

**FREEDOM COURT REPORTING**

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CIVIL ACTION NUMBER: 1:06-CV-563</p> <p>6</p> <p>7 CURLEY YOUNG,</p> <p>8 Plaintiff(s),</p> <p>9</p> <p>10 vs.</p> <p>11</p> <p>12 HONEYWELL TECHNOLOGY SOLUTIONS, INC.,</p> <p>13 Defendant(s).</p> <p>14</p> <p>15 DEPOSITION OF:</p> <p>16 CURLEY YOUNG, JR.</p> <p>17 February 27, 2007</p> <p>18 10:00 a.m.</p> <p>19 Ogletree, Deakins, Nash, Smoak &amp; Stewart</p> <p>20 One Federal Place</p> <p>21 Suite 1000</p> <p>22 1819 - 5th Avenue North</p> <p>23 Birmingham, Alabama 35203</p>	<p>1 IT IS FURTHER STIPULATED AND AGREED</p> <p>2 that the signature to and reading of the</p> <p>3 deposition by the witness is waived, said</p> <p>4 deposition to have the same force and</p> <p>5 effect as if full compliance had been had</p> <p>6 with all laws and rules of court relating</p> <p>7 to the taking of depositions.</p> <p>8 IT IS FURTHER STIPULATED AND AGREED</p> <p>9 that it shall not be necessary for any</p> <p>10 objections to be made by counsel to any</p> <p>11 questions except as to form or leading</p> <p>12 questions, and that counsel for the</p> <p>13 parties may make objections and assign</p> <p>14 grounds at the time of the trial, or at</p> <p>15 the time said deposition is offered in</p> <p>16 evidence, or prior thereto.</p> <p>17 IT IS FURTHER STIPULATED AND AGREED</p> <p>18 that notice of filing of deposition by</p> <p>19 commissioner is waived.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
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<p>1 In accordance with Rule 5(d) of the</p> <p>2 Alabama Rules of Civil Procedure, as</p> <p>3 amended, effective May 15, 1988, I,</p> <p>4 Shannon L. Quinn, am hereby delivering to</p> <p>5 Ms. Sandra B. Reiss the original</p> <p>6 transcript of the oral testimony taken on</p> <p>7 the 27th day of February 2007, along with</p> <p>8 exhibits.</p> <p>9 Please be advised that this is the</p> <p>10 same and not retained by the Court</p> <p>11 Reporter, nor filed with the Court.</p> <p>12</p> <p>13 STIPULATION</p> <p>14 IT IS STIPULATED AND AGREED, by and</p> <p>15 between the parties through their</p> <p>16 respective counsel, that the deposition</p> <p>17 of CURLEY YOUNG, JR. may be taken before</p> <p>18 SHANNON L. QUINN, CCR, RPR, at the Law</p> <p>19 Offices of Ogletree, Deakins, Nash, Smoak</p> <p>20 &amp; Stewart, PC, One Federal Place, Suite</p> <p>21 1000, 1819 - 5th Avenue North,</p> <p>22 Birmingham, Alabama 35203, on the 27th</p> <p>23 day of February 2007.</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION BY PAGE NUMBER</p> <p>4 Ms. Reiss 10 - 317</p> <p>5 337 - 342</p> <p>6 342 - 343</p> <p>7 Mr. Bennett 317 - 337</p> <p>8 342 - 342</p> <p>9</p> <p>10</p> <p>11 EXHIBITS DESCRIPTION PAGE NUMBER</p> <p>12 Defendant's:</p> <p>13 No. 1 Application 38</p> <p>14 No. 2 Counseling Form 40</p> <p>15 No. 3 Counseling Form 41</p> <p>16 No. 4 Counseling Form 43</p> <p>17 No. 5 Policy On Tardies 45</p> <p>18 No. 6 Counseling Form 47</p> <p>19 No. 7 Counseling Form 48</p> <p>20 No. 8 Counseling Form 49</p> <p>21 No. 9 Policy on Absences/</p> <p>22 Tardies 50</p> <p>23 No. 10 Termination Record 51</p>

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3		3	MS. SHANNON L. QUINN, CCR, RPR
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6	No. 25 Memorandum 109	6	MR. JEFFREY W. BENNITT
7	No. 26 Memorandum 115	7	Jeff Bennitt & Associates, LLC
8	No. 27 Certificate 118	8	4898 Valleydale Road, Suite 3A
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10	No. 29 E-mails 123	10	
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14	Accident/Exposure 141	14	Ogletree, Deakins, Nash, Smoak &
15	No. 33 Memorandum 144	15	Stewart, PC
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18	No. 36 Disclosures 164	18	1819 - 5th Avenue North
19	No. 37 Developmental Counseling	19	Birmingham, Alabama 35203
20	Form 204	20	
21	No. 38 Memorandum 206	21	ALSO PRESENT:
22	No. 39 Statement 211	22	MR. KEN ERICKSON
23	No. 40 Evaluation 212	23	MR. THOMAS LAVAR

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<p style="text-align: right;">Page 9</p> <p>1 I, Shannon L. Quinn, acting as 2 Commissioner, certify that on this date 3 as provided by Rule 30 of the Alabama 4 Rules of Civil Procedure and the 5 foregoing stipulation of counsel, there 6 came before me at the Law Offices of 7 Ogletree, Deakins, Nash, Smoak &amp; Stewart, 8 PC, One Federal Place, Suite 1000, 1819 - 9 5th Avenue North, Birmingham, Alabama 10 35203, on the 27th day of February 2007, 11 commencing at approximately 10:00 a.m., 12 CURLEY YOUNG, JR., witness in the above 13 cause for oral examination, whereupon the 14 following proceedings were had: 15 16 THE REPORTER: Usual 17 stipulations? 18 MS. REISS: Yes. 19 MR. BENNITT: Yes. 20 21 22 23</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. I'm going to ask a series of 2 questions about yourself, your life, your 3 work with Honeywell, and if you don't 4 understand something I say or if I use a 5 legal term you don't understand, just 6 please ask me to clarify. Okay? 7 A. (Nods head affirmatively.) 8 Q. And you will need to speak 9 out for the Court Reporter. 10 A. Yes. 11 Q. Can you state your full name 12 for the record? 13 A. Curley Young, Jr. 14 Q. Do you have a middle name? 15 A. No. 16 Q. Have you ever been known by 17 any other names? 18 A. Yes. 19 Q. What was that? 20 A. Cuz. 21 Q. How do you spell that? 22 A. C-U-Z. 23 Q. Is that a nickname?</p>
<p style="text-align: right;">Page 10</p> <p>1 Whereupon, 2 CURLEY YOUNG, JR., 3 being first duly sworn, was examined and 4 testified as follows: 5 6 EXAMINATION BY MS. REISS: 7 Q. Mr. Young, I'm Sandra Reiss 8 and I represent Honeywell in this 9 lawsuit. Have you been deposed before? 10 A. No. 11 Q. Been in this setting where a 12 lawyer is asking you questions? 13 A. No. 14 Q. Well, let me just go over 15 some of the ground rules. If you ever 16 need to take a break, you are hot, you 17 need to go to the restroom, whatever, as 18 long as there's not a question on the 19 table, just let me know. We'll go ahead 20 and take a break. You understand that 21 the oath you just took is the same as you 22 would take in court? 23 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Yes. 2 Q. Are you currently on any 3 medications that would impair your 4 ability to testify? 5 A. Repeat that? 6 Q. Are you currently on any 7 medications that would impair your 8 ability to testify? 9 A. No. 10 Q. What's your current address? 11 A. [REDACTED] Enterprise, 12 Alabama 36330. 13 Q. And is that an apartment or a 14 house or -- 15 A. It's a house. 16 Q. And who owns that house? 17 A. My mother. 18 Q. And what's your mother's 19 name? 20 A. Helen F. Crittenden. 21 Q. Who else lives in that house 22 with you and your mother? 23 A. Just me and my mother.</p>

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<p>1 Q. Are you the only child of 2 your mother? 3 A. Yes. 4 Q. Is your -- does your mother 5 work? 6 A. Yes. 7 Q. Where does she work? 8 A. Daleville Inn. 9 Q. Can you spell that, please? 10 A. D-A-L-E-V-I-L-L-E. 11 Q. And what is -- what -- what 12 type of job does she have? 13 A. Receptionist. 14 Q. Are you currently married? 15 A. Yes. 16 Q. And what's your wife's name? 17 A. Anitra Young. 18 Q. And what address does she 19 live at? 20 A. [REDACTED] 21 Enterprise, Alabama 36330. 22 Q. How long have you been 23 married to Anitra Young?</p>	<p>1 have you been married? 2 A. One. 3 Q. And when were you married the 4 first time? 5 A. 1985. 6 Q. And what was the -- the name 7 of your wife? 8 A. Lisa Reese Young. 9 Q. And how long were you 10 married? 11 A. Two-and-a-half years. 12 Q. And you had no children? 13 A. No children. 14 Q. Did you divorce Mrs. Reese? 15 A. Yes, we were divorced. 16 Q. I'm sorry. What? 17 A. We were divorced, yes. 18 Q. Are you separated from your 19 wife at this time? 20 A. Yes. 21 Q. How long have you been 22 separated? 23 A. A year-and-a-half.</p>
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<p>1 A. Ten years. 2 Q. So you got married in 1997? 3 A. I believe that's correct. 4 Q. Do you know the year you got 5 married? 6 A. It's '97, I believe. 7 Q. Do you have any children with 8 Mrs. Young? 9 A. Yes. 10 Q. How many children? 11 A. Two. 12 Q. Boys or girls? 13 A. Two girls. 14 Q. And they are -- are they 15 under the age of eighteen? 16 A. Yes. 17 Q. Do you have any other 18 children? 19 A. No. 20 Q. Have you ever been married 21 other than to Mrs. Young? 22 A. Yes. 23 Q. How many times -- other times</p>	<p>1 Q. So you separated in 2005? 2 A. Yes, 2005 November. 3 Q. Does she work? 4 A. Yes. 5 Q. Where does she work? 6 A. Enterprise Nursing Home. 7 Q. Is that where you met her? 8 A. No. 9 Q. What's her position at 10 Enterprise? 11 A. Charge nurse, LPN. 12 Q. Do the -- so the children 13 live with her? 14 A. Yes. 15 Q. Do you know if y'all are 16 going to reconcile or get divorced or -- 17 A. Anything is possible. 18 Q. Do you have any plans to move 19 back in with her in the near future? 20 A. It's -- it's in discussion. 21 Q. What's your date of birth? 22 A. [REDACTED]-59. 23 Q. How old are you currently?</p>

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<p style="text-align: right;">Page 17</p> <p>1 A. Forty-eight.</p> <p>2 Q. And your Social Security</p> <p>3 number?</p> <p>4 A. [REDACTED] 4413.</p> <p>5 Q. Have you ever had your</p> <p>6 license -- your driver's license revoked?</p> <p>7 A. Unh-unh (negative response).</p> <p>8 Q. Have you ever had it</p> <p>9 suspended?</p> <p>10 A. Yes.</p> <p>11 Q. When was it suspended?</p> <p>12 A. When?</p> <p>13 Q. Yes.</p> <p>14 A. 1993.</p> <p>15 Q. And why was it suspended?</p> <p>16 A. Failure to pay a ticket.</p> <p>17 Q. Have you ever had it</p> <p>18 suspended any other time?</p> <p>19 A. No.</p> <p>20 Q. Have you ever sued anyone</p> <p>21 other than Honeywell?</p> <p>22 A. Yes.</p> <p>23 Q. Who else have you sued?</p>	<p style="text-align: right;">Page 19</p> <p>1 return back and it was awarded to me,</p> <p>2 null processed, I guess, something of</p> <p>3 that nature.</p> <p>4 Q. Did he own a business?</p> <p>5 A. Yes.</p> <p>6 Q. What did he accuse you of</p> <p>7 stealing?</p> <p>8 A. It was stereo equipment.</p> <p>9 Q. And have you sued anyone</p> <p>10 else?</p> <p>11 A. Yes.</p> <p>12 Q. Who else have you sued?</p> <p>13 A. City of Daleville.</p> <p>14 Q. And why did you sue City of</p> <p>15 Daleville?</p> <p>16 A. False arrest.</p> <p>17 Q. And when was this?</p> <p>18 A. That was around '86, '87 as</p> <p>19 well.</p> <p>20 Q. Did it involve the issues</p> <p>21 with Mr. Coffman?</p> <p>22 A. It kind of trickled into it,</p> <p>23 yes.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Henry Coffman.</p> <p>2 Q. So you sued him as an</p> <p>3 individual?</p> <p>4 A. Yes.</p> <p>5 Q. And when was this?</p> <p>6 A. Back in '86, '87.</p> <p>7 Q. What court did you sue him</p> <p>8 in?</p> <p>9 A. Houston County.</p> <p>10 Q. And what did you sue him for?</p> <p>11 A. Malicious prosecution.</p> <p>12 Q. What were the basic facts of</p> <p>13 the case?</p> <p>14 A. He accused me of theft of --</p> <p>15 second degree theft.</p> <p>16 Q. And what was the outcome of</p> <p>17 your lawsuit?</p> <p>18 A. I won the case.</p> <p>19 Q. Was it tried before -- in a</p> <p>20 courtroom?</p> <p>21 A. We went to court, and during</p> <p>22 the court proceedings he walked out and</p> <p>23 they ordered him back. He failed to</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Were you arrested?</p> <p>2 A. No. I was arrested because</p> <p>3 the police officer came out to an</p> <p>4 apartment that I had rented. I was</p> <p>5 cleaning the apartment up. He said that</p> <p>6 I broke in the apartment, arrested me.</p> <p>7 The apartment was assigned -- it was --</p> <p>8 it was still my apartment. They took me</p> <p>9 down, detained me for seven hours, then</p> <p>10 released me and said they were sorry they</p> <p>11 made a mistake.</p> <p>12 Q. So you sued them?</p> <p>13 A. Yes.</p> <p>14 Q. And what was the -- and what</p> <p>15 was the --</p> <p>16 A. False -- false arrest. I</p> <p>17 settled.</p> <p>18 Q. And have you sued anyone</p> <p>19 else?</p> <p>20 A. No.</p> <p>21 Q. Have you ever been sued?</p> <p>22 A. In small claims or something</p> <p>23 like that or just out and out --</p>

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<p>1 Q. Any kind of situation?</p> <p>2 A. Yes, I have.</p> <p>3 Q. How many times?</p> <p>4 A. Once that I can recall.</p> <p>5 Q. And what were the -- who sued</p> <p>6 you?</p> <p>7 A. Insurance company.</p> <p>8 Q. And what did they sue you</p> <p>9 for?</p> <p>10 A. Property damage to a</p> <p>11 apartment. I was renting an apartment</p> <p>12 that caught on fire. They sued me for</p> <p>13 the damages of the apartment.</p> <p>14 Q. Did the -- was it the</p> <p>15 insurance company of the apartment</p> <p>16 complex or was it your insurance company?</p> <p>17 A. No. I didn't have renter's</p> <p>18 insurance, I guess, and the insurance</p> <p>19 company was recouping their damages that</p> <p>20 they -- I guess the complex had insurance</p> <p>21 when -- you know, when it caught on</p> <p>22 fire. The insurance company fixed the</p> <p>23 apartment, then the insurance company</p>	<p>1 had occurred within.</p> <p>2 Q. Have you ever filed any other</p> <p>3 -- have you ever filed an EEOC charge?</p> <p>4 A. No, not to --</p> <p>5 Q. Besides the arrest you said</p> <p>6 by the City of Daleville, have -- have</p> <p>7 you ever been arrested?</p> <p>8 A. Yes.</p> <p>9 Q. When was that?</p> <p>10 A. Well, no. That would have</p> <p>11 been -- that was the same -- that was in</p> <p>12 the same -- no. Other than that, those</p> <p>13 two, no.</p> <p>14 Q. You've never been arrested</p> <p>15 for possession of a controlled substance?</p> <p>16 A. That was with the same --</p> <p>17 when the lawsuit came in. Well, that</p> <p>18 would have been the one leading up to it</p> <p>19 and then the one --</p> <p>20 Q. How many times have you been</p> <p>21 arrested, Mr. Young?</p> <p>22 A. It would be twice.</p> <p>23 Q. So you were arrested for</p>
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<p>1 came after me for their --</p> <p>2 Q. How did the apartment catch</p> <p>3 on fire?</p> <p>4 A. It was a grease fire.</p> <p>5 Q. So you were -- were you at</p> <p>6 the apartment at the time?</p> <p>7 A. No. It -- what -- what</p> <p>8 happened was I was cooking some grease --</p> <p>9 or not grease, some -- some food, and</p> <p>10 forgot that the eye -- the grease was</p> <p>11 still on. The alarm went off. I got up,</p> <p>12 I put it out. At the time of putting it</p> <p>13 out, the grease came back on my arm, the</p> <p>14 frying pan landed on the floor. It was</p> <p>15 out. I thought everything was out. I</p> <p>16 went to the emergency room. My -- after</p> <p>17 they fixed my arm, I went home to my</p> <p>18 grandmother's, because the apartment was</p> <p>19 smoked up pretty bad and I didn't want to</p> <p>20 -- I went to a job, when I got back, I</p> <p>21 was told my apartment had burned. I went</p> <p>22 over and they had fire retard walls, the</p> <p>23 heat -- there was a lot of heat damage</p>	<p>1 possession of a controlled substance by</p> <p>2 whom?</p> <p>3 A. City of Daleville.</p> <p>4 Q. And this is when you were --</p> <p>5 A. Hold on.</p> <p>6 Q. -- working in the apartment?</p> <p>7 A. No. No. No. No. Okay.</p> <p>8 The controlled substance -- all that</p> <p>9 leads into the same incident. The</p> <p>10 controlled substance was the first one.</p> <p>11 Henry Coffman came into that ordeal at</p> <p>12 the same time. Because when they came in</p> <p>13 and arrested me for the controlled</p> <p>14 substance, which was marijuana, they</p> <p>15 confiscated all my belongings, then Henry</p> <p>16 Coffman came in and tried to say that I</p> <p>17 stole his merchandise -- that was his</p> <p>18 merchandise. And that's how he came in.</p> <p>19 So they were all at the same time. And</p> <p>20 then the one with the apartment came</p> <p>21 later.</p> <p>22 Q. Were you -- what were you</p> <p>23 charged with when you -- when you were</p>

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<p style="text-align: right;">Page 25</p> <p>1 arrested when you had the controlled 2 substance? What were the charges? 3 A. There was five charges: 4 Controlled substance; two or three second 5 degree theft; and one was with a gun, 6 buying and receiving a gun, I believe. 7 Q. Buying and receiving a gun, 8 how is that illegal? 9 A. It was a stolen gun. 10 Q. Were you convicted on any of 11 these arrests? 12 A. No. I was charged with the 13 misdemeanor possession. 14 Q. But were you convicted of any 15 of these charges? 16 A. No. The only one I was 17 convicted of was the -- not the -- it was 18 misdemeanor possession of the marijuana 19 seeds. They were seeds. That's what I 20 was convicted of. 21 Q. You weren't convicted of the 22 -- the -- having a gun? 23 A. No. All that was dropped.</p>	<p style="text-align: right;">Page 27</p> <p>1 and me keeping up with my girls as far as 2 baby-sitting, that job has to do with 3 shift work, and I needed a stable job 4 because my wife worked 11:00 to 7:00. I 5 was working days and our baby-sitting -- 6 I would watch the girls at night. 7 Q. There wasn't a safety job 8 that was a day-shift job? 9 A. All -- all their jobs 10 rotate. You work a month or two months 11 and then you go to an evening shift, then 12 you go to a night shift job. 13 Q. Do you know if you would have 14 passed the security clearance had you 15 applied for the job? 16 A. I have no knowledge of that. 17 I don't know what's pertaining to the 18 security clearance. 19 Q. Have you ever been a witness 20 in a lawsuit? 21 A. No. 22 Q. Where did you graduate high 23 school?</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Now, it's my understanding 2 that at one point Mr. Erickson suggested 3 -- suggested you might want to apply for 4 a security job at Honeywell. Do you 5 recall that? 6 A. Security guard? 7 MR. ERICKSON: Safety job. 8 A. Oh, safety job? Yes. 9 Q. And did you tell him that you 10 couldn't take that job because of your 11 background? 12 A. No. 13 Q. You didn't tell him that you 14 couldn't -- you wouldn't make that job 15 because of your background? 16 A. No, I did not. 17 Q. They do a background check on 18 security positions or safety positions; 19 correct? 20 A. Yes. 21 Q. Why weren't you interested in 22 the safety job? 23 A. Because of my wife's working</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Daleville. 2 Q. What year? 3 A. '78. 4 Q. What post-high school 5 education do you have? 6 A. Post what? 7 Q. High school education, if 8 any? 9 A. You are pertaining to my 10 college? 11 Q. Anything you've -- any 12 education you have post-high school? 13 A. I'm a licensed nurse, LPN. 14 Q. You are a licensed nurse? 15 A. I'm a licensed LPN nurse. 16 Q. And what does LPN stand for? 17 A. Licensed practical nurse. 18 Q. Where did you go to school to 19 get that degree, or do you have -- do you 20 have a degree to be a licensed practical 21 nurse? 22 A. I have a diploma. 23 Q. A diploma from where?</p>

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<p style="text-align: right;">Page 29</p> <p>1 A. MacArthur Tech.  2 Q. And where is that located?  3 A. Opp, Alabama.  4 Q. And how long did you attend  5 MacArthur Tech?  6 A. Eighteen months.  7 Q. And what -- what time period  8 did you attend?  9 A. It would be '94, '95.  10 Q. Any other post-high school  11 education?  12 A. I have credits in --  13 elevating towards my RN degree. I  14 also --  15 Q. Where did you get those at?  16 A. Enterprise State Junior  17 College.  18 Q. And when did you attend  19 there?  20 A. '97 -- I believe it was '97,  21 '98.  22 Q. Okay.  23 A. I also have a year-and-a-half</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Six to eight months.  2 Q. Any other post-high school  3 education?  4 A. That's all.  5 Q. Are you still currently an  6 LPN?  7 A. Yes.  8 Q. Do you have to have  9 continuing educational --  10 A. Yes.  11 Q. -- credits?  12 A. Yes.  13 Q. Okay.  14 A. I keep them -- keep my  15 license active.  16 Q. Now, where were you employed  17 right before Honeywell?  18 A. Before Honeywell, Pike Manor.  19 Q. And what is Pike Manor?  20 A. Nursing home.  21 Q. And what was your position  22 there?  23 A. Charge nurse.</p>
<p style="text-align: right;">Page 30</p> <p>1 at RETS Electronic Technical School here  2 in Birmingham.  3 Q. And when did you attend  4 there?  5 A. In 1979, 1980.  6 Q. Did you live in Birmingham at  7 the time?  8 A. I sure did.  9 Q. What were you doing in  10 Birmingham during that time?  11 A. I worked at the -- part-time  12 for Golden Flake.  13 Q. And what was your job there?  14 A. Maintenance -- not  15 maintenance, but cleaning up the machines  16 and whatnot at night.  17 Q. Why did you leave that job?  18 A. That job, I believe I was  19 terminated.  20 Q. What were you terminated for?  21 A. They just stated they didn't  22 need any students.  23 Q. How long did you work there?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. How long did you -- were you  2 employed at Pike Manor?  3 A. Two years. I also worked  4 part-time with Honeywell -- while I was  5 working with Honeywell, I had a part-time  6 at Oakview Manor as well as a charge  7 nurse.  8 Q. How long did you -- what  9 years did you work at Oakview Manor?  10 A. I went -- I believe it was  11 '02, '03.  12 Q. Did you work nights?  13 A. Every other weekend.  14 Q. And why did you leave Oakview  15 Manor?  16 A. My father passed away and I  17 had to take care of his business.  18 Q. What was his business?  19 A. Funeral and whatnot.  20 Q. Oh, not -- not a business he  21 had, but taking care of the -- okay.  22 A. The estate.  23 Q. Did you inherit a pretty</p>

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<p style="text-align: right;">Page 33</p> <p>1 sizable inheritance from your father's</p> <p>2 death?</p> <p>3 A. It depends on what you call</p> <p>4 -- I would say no.</p> <p>5 Q. Why did you leave Pike Manor?</p> <p>6 A. I resigned.</p> <p>7 Q. Why did you resign?</p> <p>8 A. I wanted to get closer to the</p> <p>9 -- to my house.</p> <p>10 Q. Where is Pike Manor located?</p> <p>11 A. Troy.</p> <p>12 Q. Were you ever accused of --</p> <p>13 were you ever disciplined at Pike Manor?</p> <p>14 A. Yes.</p> <p>15 Q. What were you disciplined</p> <p>16 for?</p> <p>17 A. I had some medication errors.</p> <p>18 Q. Anything else?</p> <p>19 A. Maybe coming in late.</p> <p>20 Q. Anything else?</p> <p>21 A. I can't recall.</p> <p>22 Q. Were you ever accused of</p> <p>23 stealing medication?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q. How many years did you work</p> <p>2 at Enterprise Nursing Home?</p> <p>3 A. Three, maybe.</p> <p>4 MR. BENNITT: Don't guess.</p> <p>5 A. Three.</p> <p>6 Q. What were you at Enterprise</p> <p>7 -- what was your position at Enterprise</p> <p>8 Nursing Home?</p> <p>9 A. CNA, certified nursing</p> <p>10 assistant.</p> <p>11 Q. Thank you. Were you employed</p> <p>12 there twice?</p> <p>13 A. I can't recall.</p> <p>14 Q. And before Enterprise Nursing</p> <p>15 Home, where were you employed?</p> <p>16 A. I can't recall. That's a</p> <p>17 long time ago.</p> <p>18 Q. Did you work at Elba Nursing</p> <p>19 Home before that?</p> <p>20 A. I've worked there.</p> <p>21 Q. How long did you work at Elba</p> <p>22 Nursing Home?</p> <p>23 A. Maybe a year.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. No.</p> <p>2 Q. Were you allowed to resign in</p> <p>3 lieu of termination?</p> <p>4 A. No, not to my knowledge.</p> <p>5 Q. They kept you on when you had</p> <p>6 medication errors?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever make any</p> <p>9 complaints at Pike Manor?</p> <p>10 A. No.</p> <p>11 Q. Where did you work before</p> <p>12 Pike Manor?</p> <p>13 A. Before Pike Manor, I was in</p> <p>14 school because --</p> <p>15 MR. BENNITT: Don't think out</p> <p>16 loud. Everything gets recorded.</p> <p>17 A. I can't recall.</p> <p>18 Q. Did you work at Enterprise</p> <p>19 Nursing Home?</p> <p>20 A. There you go.</p> <p>21 Q. Okay.</p> <p>22 A. That was before school, yes,</p> <p>23 Enterprise Nursing.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Why did you leave Elba</p> <p>2 Nursing Home?</p> <p>3 A. I can't recall.</p> <p>4 Q. Were you terminated?</p> <p>5 A. I can't recall.</p> <p>6 Q. Could it -- is it possible</p> <p>7 you were terminated?</p> <p>8 A. I can't recall.</p> <p>9 Q. If you wrote down you were</p> <p>10 terminated on a job application, would</p> <p>11 that be a true statement?</p> <p>12 A. Yes.</p> <p>13 Q. Did you work for Humana?</p> <p>14 A. Yes.</p> <p>15 Q. What was Humana?</p> <p>16 A. That was a hospital.</p> <p>17 Q. And what was your job with</p> <p>18 Humana?</p> <p>19 A. CNA -- PCA.</p> <p>20 Q. And what does PCA mean?</p> <p>21 A. At the time, patient care</p> <p>22 assistant.</p> <p>23 Q. And how long did you work at</p>

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<p style="text-align: right;">Page 37</p> <p>1 Humana?</p> <p>2 A. I'll say a year.</p> <p>3 Q. And why did you leave Humana?</p> <p>4 A. I was terminated there.</p> <p>5 Q. Why were you terminated?</p> <p>6 A. Sleeping.</p> <p>7 Q. On the job?</p> <p>8 A. Yes.</p> <p>9 Q. What is the longest you've</p> <p>10 ever held any job, Mr. Young?</p> <p>11 A. Honeywell.</p> <p>12 Q. I'm going to have some</p> <p>13 exhibits I'm going to show you. If I</p> <p>14 give you an exhibit that has highlight on</p> <p>15 it, pass it back to me. That's my copy.</p> <p>16 But I always do it every time, so just</p> <p>17 let me know. I'm going to show you what</p> <p>18 we are going to mark as Exhibit No. 1 and</p> <p>19 ask you if -- let you review that and</p> <p>20 tell me when you are through.</p> <p>21 MS. REISS: Here you go,</p> <p>22 Jeff. Here's you a copy.</p> <p>23 MR. BENNITT: Oh, thanks.</p>	<p style="text-align: right;">Page 39</p> <p>1 application on the question on the second</p> <p>2 page: Have you ever been discharged from</p> <p>3 a job, forced, or asked to resign? You</p> <p>4 said: No. That's a lie, is it not?</p> <p>5 A. Where is this at?</p> <p>6 Q. It's right under where you</p> <p>7 listed your previous employers.</p> <p>8 A. Well, I mis -- I mean, it's</p> <p>9 clearly up here stated that I was</p> <p>10 terminated, so I just misput the block.</p> <p>11 Q. And you stated you were still</p> <p>12 employed with Elba. But somebody --</p> <p>13 that's not your handwriting up there</p> <p>14 where it says: No longer working;</p> <p>15 correct?</p> <p>16 A. Right.</p> <p>17 Q. So you were not still</p> <p>18 employed when you filled this out?</p> <p>19 A. I can't recall, because I --</p> <p>20 I could have applied for the job and was</p> <p>21 still working at -- at the time. I just</p> <p>22 -- I don't say that's a lie.</p> <p>23 Q. Down here you state that you</p>
<p style="text-align: right;">Page 38</p> <p>1 (Whereupon, Defendant's Exhibit No. 1 was</p> <p>2 marked for identification, and same is</p> <p>3 attached hereto.)</p> <p>4</p> <p>5 A. Okay.</p> <p>6 Q. Is that your handwriting on</p> <p>7 this application?</p> <p>8 A. Yes.</p> <p>9 Q. And this is your application</p> <p>10 at Enterprise Nursing Home?</p> <p>11 A. Yes.</p> <p>12 Q. It's funny to see a 205 for</p> <p>13 Enterprise. That's the old days when you</p> <p>14 had -- still everybody had the same area</p> <p>15 code.</p> <p>16</p> <p>17 (Off-the-record discussion.)</p> <p>18</p> <p>19 Q. All right. Did you fill this</p> <p>20 out, this -- this application out</p> <p>21 truthfully?</p> <p>22 A. To my knowledge, I did.</p> <p>23 Q. You answered on this</p>	<p style="text-align: right;">Page 40</p> <p>1 attended George Wallace. What is George</p> <p>2 Wallace?</p> <p>3 A. That's a community college.</p> <p>4 Q. Did you tell me that before?</p> <p>5 A. No. I forgot. I attended</p> <p>6 there years ago for -- as a matter of</p> <p>7 fact, that's where I first started my</p> <p>8 nursing. And then I also was there for</p> <p>9 electronics.</p> <p>10 Q. Were you disciplined at</p> <p>11 Enterprise Nursing Home?</p> <p>12 A. Yes.</p> <p>13</p> <p>14 (Whereupon, Defendant's Exhibit No. 2 was</p> <p>15 marked for identification, and same is</p> <p>16 attached hereto.)</p> <p>17</p> <p>18 Q. I'll show you what we are</p> <p>19 going to mark as Exhibit No. 2 and ask</p> <p>20 you to review this document, please, sir?</p> <p>21 A. (Witness complies.)</p> <p>22 Q. Is this a counseling form you</p> <p>23 received from Enterprise?</p>

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<p style="text-align: right;">Page 41</p> <p>1 A. That's what it is.</p> <p>2 Q. Is that your signature at the</p> <p>3 bottom of the page?</p> <p>4 A. Yes, it is.</p> <p>5 Q. And you were suspended for</p> <p>6 not calling in or coming in on May 10th,</p> <p>7 1992?</p> <p>8 A. That's what it says.</p> <p>9</p> <p>10 (Whereupon, Defendant's Exhibit No. 3 was</p> <p>11 marked for identification, and same is</p> <p>12 attached hereto.)</p> <p>13</p> <p>14 Q. I'll show you what we're</p> <p>15 going to mark as Exhibit No. 3. Tell me</p> <p>16 when you've had time to review it. Was</p> <p>17 this a complaint made by a patient's</p> <p>18 relative about you -- your language in</p> <p>19 the nursing home?</p> <p>20 A. I don't recall.</p> <p>21 Q. Is that what this says?</p> <p>22 A. It says: Received report</p> <p>23 from sponsor. It doesn't necessarily</p>	<p style="text-align: right;">Page 43</p> <p>1 Okay. We're still going to go through</p> <p>2 them.</p> <p>3 MR. BENNITT: Well, I mean,</p> <p>4 you can. But I'm just saying --</p> <p>5 MS. REISS: Okay.</p> <p>6</p> <p>7 (Whereupon, Defendant's Exhibit No. 4 was</p> <p>8 marked for identification, and same is</p> <p>9 attached hereto.)</p> <p>10</p> <p>11 Q. I'll show you Exhibit No. 4.</p> <p>12 Have you seen this document before?</p> <p>13 A. No, I haven't -- I don't</p> <p>14 recall this one.</p> <p>15 Q. Were you terminated at one</p> <p>16 point from Enterprise Nursing Home?</p> <p>17 A. Yes.</p> <p>18 Q. And then you were hired back?</p> <p>19 A. No.</p> <p>20 Q. Does this document note you</p> <p>21 were terminated for this --</p> <p>22 A. Yes.</p> <p>23 Q. -- behavior? Do you remember</p>
<p style="text-align: right;">Page 42</p> <p>1 mean it was a relative.</p> <p>2 MR. BENNITT: That wasn't the</p> <p>3 question. Does it say what it says?</p> <p>4 A. It is what it says.</p> <p>5 Q. And you signed it; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you said -- you also</p> <p>8 understood that profanity in the</p> <p>9 workplace is not acceptable?</p> <p>10 A. Yes.</p> <p>11 Q. And this was a first written</p> <p>12 warning you received; correct?</p> <p>13 A. If that's what it is.</p> <p>14 Q. Is that what it --</p> <p>15 A. I don't recall it.</p> <p>16 Q. -- says on the top left-hand</p> <p>17 corner?</p> <p>18 MR. BENNITT: We do not deny</p> <p>19 that the -- that all of these documents</p> <p>20 exist and every one of them are</p> <p>21 authenticated. They are part of his</p> <p>22 personnel file.</p> <p>23 MS. REISS: That's great.</p>	<p style="text-align: right;">Page 44</p> <p>1 refusing to sign this document?</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you remember playing</p> <p>4 guitar at the nursing home?</p> <p>5 A. Yes.</p> <p>6 Q. Do you think it's appropriate</p> <p>7 to slam down your guitar and yell at your</p> <p>8 co-workers?</p> <p>9 A. I don't recall that</p> <p>10 happening.</p> <p>11 Q. You don't -- you don't recall</p> <p>12 why you were terminated from Enterprise?</p> <p>13 A. I recall why I was</p> <p>14 terminated.</p> <p>15 Q. Why were you terminated?</p> <p>16 A. They stated that I was</p> <p>17 insubordinate.</p> <p>18 Q. Argumentative, did they also</p> <p>19 state you were argumentative?</p> <p>20 A. I don't recall.</p> <p>21 Q. Have you ever been accused of</p> <p>22 being argumentative before?</p> <p>23 A. I don't recall.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. So you don't remember if 2 you've ever been accused of that? 3 A. No. 4 Q. Have you ever been told that 5 you refused to follow instructions of 6 supervisors? 7 A. I don't recall. 8 Q. So that means you could have 9 or you could not have; correct? 10 A. Correct. 11 Q. Now, it appears to be, from 12 the documents, that you were rehired. 13 You don't recall this by Enterprise 14 Nursing Home? I'll show you what I'm 15 going to mark as Exhibit No. 5. Is that 16 your signature at the bottom, Mr. Young? 17 18 (Whereupon, Defendant's Exhibit No. 5 was 19 marked for identification, and same is 20 attached hereto.) 21 22 A. Um-hum (positive response). 23 Q. Does it look like you've been</p>	<p style="text-align: right;">Page 47</p> <p>1 write-up on you for being tardy in '93, 2 March of '93, if you weren't rehired? 3 A. I guess they have a problem 4 with their -- 5 MR. BENNITT: Don't guess if 6 you don't know the answer. 7 MS. REISS: Don't coach your 8 witness, please. 9 A. The answer to your question 10 as whether -- whether or not I was 11 rehired, no, I was not rehired. 12 Q. Then explain this to me. 13 I'll show you Exhibit No. 6, and if you 14 can explain to me how you got a third 15 written warning in August of '93, if you 16 were not rehired, for sleeping on the 17 job? 18 19 (Whereupon, Defendant's Exhibit No. 6 was 20 marked for identification, and same is 21 attached hereto.) 22 23 A. I don't recall. This -- it's</p>
<p style="text-align: right;">Page 46</p> <p>1 rehired? 2 A. This is stating I was 3 rehired? 4 Q. No. Does it look like you've 5 been -- you returned -- look at your last 6 exhibit, if you would, please? You were 7 terminated in January, then this says 8 since February you've had three tardies, 9 Exhibit No. 5? 10 A. Okay. Okay. So what are you 11 asking me? 12 Q. Were you rehired by 13 Enterprise Nursing Home? 14 A. No. 15 Q. So were -- I don't 16 understand. Were you never fired? 17 A. I was terminated here 18 (indicating). 19 MR. BENNITT: What exhibit 20 are you saying -- you are pointing at 21 something. Name it. 22 A. It's Exhibit No. 4. 23 Q. Okay. So how did they have a</p>	<p style="text-align: right;">Page 48</p> <p>1 what it is. 2 Q. And you were fired from 3 Humana for sleeping on the job; is that 4 correct? 5 A. Yes. 6 Q. Do you remember an employee 7 -- an employee named Lisa Whitaker or an 8 employee named Ann Cox at Enterprise 9 Nursing Home? 10 A. Yes. 11 Q. Were they your supervisors? 12 A. Yes. 13 14 (Whereupon, Defendant's Exhibit No. 7 was 15 marked for identification, and same is 16 attached hereto.) 17 18 Q. I'll show you what I'm going 19 to mark as Exhibit No. 7, and this is 20 another write-up in October of '93. Do 21 you recall this incident? 22 A. Yes, I recall. 23 Q. And here you were counseled</p>

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<p style="text-align: right;">Page 49</p> <p>1 for being insubordinate again; is that 2 correct? 3 A. This is what it is. 4 Q. Were you counseled again for 5 being insubordinate? 6 A. That's what it says. 7 Q. Is that what happened? 8 A. Yes. 9 10 (Whereupon, Defendant's Exhibit No. 8 was 11 marked for identification, and same is 12 attached hereto.) 13 14 Q. And here is a document noting 15 a suspension in October of '93 from 16 Enterprise Nursing Home. Is that your 17 signature at the bottom, Mr. Young? 18 A. Yes, it is. 19 Q. And why were you -- why were 20 you suspended? 21 A. I can't recall. 22 Q. What was the -- well, you 23 signed this document. What was the</p>	<p style="text-align: right;">Page 51</p> <p>1 A. I don't recall. 2 Q. It denotes that you have at 3 least nine points due to absences or 4 tardies as of January 13th, 1994? 5 A. It is what it is. 6 Q. Is that what it says? 7 A. That's what it says. 8 Q. I'm not here to play games. 9 I'm just -- we'll get through this a lot 10 quicker. Were you -- you were terminated 11 from Enterprise Nursing Home? 12 A. Yes. 13 Q. Do you remember why you were 14 terminated? 15 A. Yes. 16 Q. Why? 17 A. Insubordination. 18 19 (Whereupon, Defendant's Exhibit Nos. 10 20 and 11 were marked for identification, 21 and same is attached hereto.) 22 23 Q. Have you ever seen this</p>
<p style="text-align: right;">Page 50</p> <p>1 reason given? 2 A. I can't recall. They don't 3 have it stated. 4 Q. Does it say: After 5 investigation and talking with you at 6 length this a.m. regarding being 7 insubordinate to your charge nurses, you 8 are suspended for three days? 9 A. Yes, that's what it says. 10 11 (Off-the-record discussion.) 12 13 (Whereupon, Defendant's Exhibit No. 9 was 14 marked for identification, and same is 15 attached hereto.) 16 17 Q. Have you ever seen this 18 document before, Mr. Young, Exhibit No. 19 9, from Enterprise Nursing Home? 20 A. You are asking me if I 21 remember this? 22 Q. Yeah. Have you seen this 23 document before?</p>	<p style="text-align: right;">Page 52</p> <p>1 document before, and that's Exhibit No. 2 10? I'm going to show you Exhibit No. 11 3 with it. 4 A. Okay. 5 Q. Have you seen the document 6 before? 7 A. No. 8 Q. Have you seen Exhibit No. 11? 9 A. Okay. 10 Q. Have you seen that before? 11 A. No. 12 Q. It states you are not 13 eligible for rehire by Enterprise Nursing 14 Home; correct? 15 A. Correct. 16 Q. Did you ever receive 17 unemployment based on your leaving their 18 employment? 19 A. I don't recall. 20 Q. When you called Mr. Lavar, do 21 you recall that after you left Honeywell? 22 A. Yes. 23 Q. And you tape-recorded him; is</p>

13 (Pages 49 to 52)



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<p style="text-align: right;">Page 53</p> <p>1 that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Did you tell him you were</p> <p>4 tape-recording him?</p> <p>5 A. No.</p> <p>6 Q. You told him you were working</p> <p>7 at Laurel Oaks, I believe; correct?</p> <p>8 A. I don't recall.</p> <p>9 Q. Fortunately, he tape-recorded</p> <p>10 it for us. Let's see here. I'm going to</p> <p>11 mark this as Exhibit No. 12. If you will</p> <p>12 look at page five, please, sir, and tell</p> <p>13 me if you told him you were working at</p> <p>14 Laurel Oaks? Could you read what you</p> <p>15 said there on -- starting on line seven</p> <p>16 through line ten, please?</p> <p>17</p> <p>18 (Whereupon, Defendant's Exhibit No. 12</p> <p>19 was marked for identification, and same</p> <p>20 is attached hereto.)</p> <p>21</p> <p>22 A. Starting at line ten?</p> <p>23 Q. Starting at line seven?</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Had you already sent out</p> <p>2 applications before you left Honeywell?</p> <p>3 A. I had not sent out</p> <p>4 applications, no.</p> <p>5 Q. How were you getting that</p> <p>6 lined up?</p> <p>7 A. Telephone conversations with</p> <p>8 individuals.</p> <p>9 Q. So you were calling nursing</p> <p>10 homes?</p> <p>11 A. Not nursing homes, that</p> <p>12 particular nursing facility. That's not</p> <p>13 a nursing home.</p> <p>14 Q. Well, who -- how were you</p> <p>15 getting things lined up before you left</p> <p>16 Honeywell?</p> <p>17 A. I was talking to the human</p> <p>18 resources at Laurel Oaks, which is a</p> <p>19 behavioral management for adolescents. I</p> <p>20 was told that I had the job, get all my</p> <p>21 licenses current, get all of my CUs</p> <p>22 current, come down with all my paperwork</p> <p>23 and do a formal interview.</p>
<p style="text-align: right;">Page 54</p> <p>1 A. Seven: Mr. Young: No. Hell</p> <p>2 no. I'm at Laurel Oaks back in nursing,</p> <p>3 man, which I already was getting that</p> <p>4 lined up anyways.</p> <p>5 Q. You've never worked at Laurel</p> <p>6 Oaks since you left Honeywell?</p> <p>7 A. No.</p> <p>8 Q. So you lied to Mr. Lavar?</p> <p>9 A. I didn't state I was working</p> <p>10 there.</p> <p>11 Q. You said: I'm at Laurel Oaks</p> <p>12 back in nursing. What does that mean?</p> <p>13 A. It means that I had a job</p> <p>14 lined up at Laurel Oaks at the time, went</p> <p>15 through the interview, during the time it</p> <p>16 takes to call back and forth, then the</p> <p>17 job fell through.</p> <p>18 Q. You said you were getting</p> <p>19 that lined up anyways. What does that</p> <p>20 mean?</p> <p>21 A. That means I was planning to</p> <p>22 get back in nursing prior to me being</p> <p>23 terminated from Honeywell.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And that was before you left</p> <p>2 Honeywell?</p> <p>3 A. Yes.</p> <p>4 Q. And why didn't you get the</p> <p>5 job at Laurel Oaks?</p> <p>6 A. They hired someone else.</p> <p>7 Q. On page four of the</p> <p>8 transcript, could you read line twenty-</p> <p>9 three onto line one on page five?</p> <p>10 A. Line twenty-three?</p> <p>11 Q. Yes.</p> <p>12 A. Mr. Young: Hey, man, I'm</p> <p>13 living good, man. It ain't no big deal.</p> <p>14 Q. How -- what do you mean by</p> <p>15 I'm living good?</p> <p>16 A. It means my health is well.</p> <p>17 Q. What -- when did you call Mr.</p> <p>18 Lavar?</p> <p>19 A. I don't recall exactly.</p> <p>20 Q. How long after you left</p> <p>21 Honeywell?</p> <p>22 A. I really don't recall.</p> <p>23 Q. Was it one month, two months?</p>

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<p>1 A. Within one month.</p> <p>2 Q. Why did you call Mr. Lavar?</p> <p>3 A. At the time, I just don't</p> <p>4 recall the exact reason.</p> <p>5 Q. Did y'all socialize outside</p> <p>6 of work?</p> <p>7 A. We have, yes.</p> <p>8 Q. How many times?</p> <p>9 A. Two, three.</p> <p>10 Q. In the -- how many years were</p> <p>11 you at Honeywell?</p> <p>12 A. Eight.</p> <p>13 Q. And you don't recall why you</p> <p>14 called Mr. Lavar?</p> <p>15 A. No, I don't recall.</p> <p>16 Q. Have you called him since?</p> <p>17 A. No.</p> <p>18 Q. Did you get what you wanted</p> <p>19 out of him? Why did you tape-record</p> <p>20 them?</p> <p>21 A. I was trying to establish the</p> <p>22 reason for the true termination.</p> <p>23 Q. So that's why --</p>	<p>1 out --</p> <p>2 Q. What page are you on?</p> <p>3 A. Eleven.</p> <p>4 Q. Okay.</p> <p>5 A. Always looking out, you know,</p> <p>6 over his shoulder with you or whatever.</p> <p>7 Okay. That's one section where they were</p> <p>8 out to get me.</p> <p>9 Q. And then will you read your</p> <p>10 response?</p> <p>11 A. Yeah. I know. He was always</p> <p>12 having to go out and check on me.</p> <p>13 Q. And then what does Mr. Lavar</p> <p>14 say?</p> <p>15 A. Well, not necessarily check</p> <p>16 on you.</p> <p>17 Q. And then --</p> <p>18 A. There's another --</p> <p>19 Q. And then will you read what</p> <p>20 you wrote -- said next?</p> <p>21 A. Well, what about when the --</p> <p>22 I don't know what those lines are for,</p> <p>23 you know, the one incident with the -- I</p>
Page 58	Page 60
<p>1 A. That's --</p> <p>2 Q. -- you called Mr. Lavar?</p> <p>3 A. That's -- that's why I called</p> <p>4 Mr. Lavar.</p> <p>5 Q. So you now remember why you</p> <p>6 called him?</p> <p>7 A. Yes.</p> <p>8 Q. And did -- anywhere in this</p> <p>9 transcript did Mr. Lavar say it's because</p> <p>10 Honeywell is racist? Did he tell you</p> <p>11 that?</p> <p>12 A. Those exact words, no.</p> <p>13 Q. Did he give you -- did he</p> <p>14 even get close to that?</p> <p>15 A. From what I can recall, he</p> <p>16 just -- he simply stated that they were</p> <p>17 out to get me.</p> <p>18 Q. Where does he say that, if</p> <p>19 you could find that in the transcript,</p> <p>20 please?</p> <p>21 A. Okay. Here's part of it.</p> <p>22 Q. Okay.</p> <p>23 A. Mr. Lavar: Always looking</p>	<p>1 know you did it because of -- because you</p> <p>2 told me that he -- you did it by request</p> <p>3 when the cards went out in the trucks for</p> <p>4 you -- you know, one was on the reservoir</p> <p>5 and you put them out and I asked you what</p> <p>6 was that for and you said I was</p> <p>7 instructed to do that.</p> <p>8 Q. And then Mr. Lavar says: Oh,</p> <p>9 yeah, that was -- and there's some noise</p> <p>10 -- Jerry. He assumed that, you know, you</p> <p>11 wasn't performing your B-O-T-S in the</p> <p>12 morning and basically just -- just out</p> <p>13 there and then filling the truck up</p> <p>14 without, you know, actually looking over</p> <p>15 the truck or anything. So he said, well,</p> <p>16 plant -- you know, go ahead and plant</p> <p>17 something out there and see if you pick</p> <p>18 it up. Now, let me ask you something,</p> <p>19 Mr. Young: Mr. Lavar's job was quality</p> <p>20 control; correct?</p> <p>21 A. He was an inspector.</p> <p>22 Q. Right. Was his -- what was</p> <p>23 his title?</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 A. Inspector.</p> <p>2 Q. And he did quality control</p> <p>3 for Honeywell; correct?</p> <p>4 A. I -- inspector is all I know</p> <p>5 he was.</p> <p>6 Q. You don't know that he worked</p> <p>7 in quality control and you worked with</p> <p>8 him for many years?</p> <p>9 A. His title is inspector.</p> <p>10 Q. Would he leave tags out for</p> <p>11 you to find during preventive</p> <p>12 maintenance?</p> <p>13 A. At random he would leave them</p> <p>14 out.</p> <p>15 Q. And would he do that for all</p> <p>16 the employees who performed preventive</p> <p>17 maintenance?</p> <p>18 A. I can't answer that.</p> <p>19 Q. And then you say: Right.</p> <p>20 He's doing that just on me, see. And Mr.</p> <p>21 Lavar says: Um-hum (positive response).</p> <p>22 And then you say: Yeah, that is what I</p> <p>23 thought. And Mr. Lavar said: Well,</p>	<p style="text-align: right;">Page 63</p> <p>1 at work?</p> <p>2 A. I wasn't at work when this</p> <p>3 conversation went on.</p> <p>4 MR. BENNITT: That wasn't the</p> <p>5 question. Answer the question.</p> <p>6 A. No.</p> <p>7 Q. Is that how -- do you think</p> <p>8 it's appropriate to speak that way?</p> <p>9 A. No, I don't think it's</p> <p>10 appropriate.</p> <p>11 Q. You didn't ask him, why is</p> <p>12 Ken so racist, did you?</p> <p>13 A. No.</p> <p>14 Q. And then -- I'm confused.</p> <p>15 You ask -- you say you are doing well.</p> <p>16 We just read that; right? I'm living</p> <p>17 good. It ain't no big deal. Why are you</p> <p>18 suing Honeywell if you are better off?</p> <p>19 A. Because I wasn't treated</p> <p>20 fairly.</p> <p>21 Q. But you said it ain't no big</p> <p>22 deal in this transcript; correct?</p> <p>23 A. I didn't say that Honeywell</p>
<p style="text-align: right;">Page 62</p> <p>1 everybody had something in there. So can</p> <p>2 you tell me where he says they are just</p> <p>3 out to get you?</p> <p>4 A. I thought I showed it to you.</p> <p>5 Q. Well, we read in context,</p> <p>6 though, correct, and that's not what it</p> <p>7 says; correct?</p> <p>8 A. That's what I interpret it.</p> <p>9 Q. Can you see -- tell me</p> <p>10 anywhere else where -- where you can see</p> <p>11 where he just flat out says they are out</p> <p>12 to get you based on your race?</p> <p>13 A. Based on my race out of this</p> <p>14 conversation --</p> <p>15 Q. Because that's what your</p> <p>16 lawsuit is about; correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay.</p> <p>19 A. In this transcript, I don't</p> <p>20 see.</p> <p>21 Q. I believe in -- on page five</p> <p>22 you ask: Why did Ken have such a hard</p> <p>23 dick for me, man? Is that how you spoke</p>	<p style="text-align: right;">Page 64</p> <p>1 mistreating me wasn't a big deal.</p> <p>2 Q. What did you mean by: Hey,</p> <p>3 man, I'm living good, it ain't no big</p> <p>4 deal?</p> <p>5 A. My health is well. I'm --</p> <p>6 I'm glad to be alive.</p> <p>7 Q. What was no big deal?</p> <p>8 A. That -- it's just in life in</p> <p>9 general.</p> <p>10 Q. And then on page twenty you</p> <p>11 say -- line ten, if you will look on page</p> <p>12 twenty, please, Mr. Young: And this is</p> <p>13 what I figure has happened. But, you</p> <p>14 know, it's all for the better, as far as</p> <p>15 I'm concerned. You know, I needed to get</p> <p>16 back in nursing anyways. Is that a</p> <p>17 truthful statement?</p> <p>18 A. That's a truthful statement.</p> <p>19 Q. So you were -- it was for the</p> <p>20 best that you left Honeywell, that is</p> <p>21 what you are saying; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And this was a month after</p>

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## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 65</p> <p>1 you left Honeywell; correct?</p> <p>2 A. Yes.</p> <p>3 Q. Why didn't you tell Mr. Lavar</p> <p>4 you were tape-recording him?</p> <p>5 A. I didn't feel I needed to</p> <p>6 tell him that.</p> <p>7 Q. Do you think he would have --</p> <p>8 do you think he would have kept talking</p> <p>9 to you if he knew he was being tape-</p> <p>10 recorded?</p> <p>11 A. I felt if he was going to</p> <p>12 tell the truth he would have told the</p> <p>13 truth regardless.</p> <p>14 Q. So why didn't you tell him</p> <p>15 you were tape-recording him?</p> <p>16 A. I didn't feel there was a</p> <p>17 need.</p> <p>18 Q. And you tape-recorded Mr.</p> <p>19 Garrett also?</p> <p>20 A. Yes.</p> <p>21 Q. And did you tape-record Ms.</p> <p>22 -- tape-record Mr. Flowers when you</p> <p>23 called him?</p>	<p style="text-align: right;">Page 67</p> <p>1 when we were there. All I'm asking you</p> <p>2 to do is tell the truth.</p> <p>3 Q. And what did he say to that?</p> <p>4 A. He says, well, I'll see, you</p> <p>5 know, I have to work with them.</p> <p>6 Q. And did he get off the phone?</p> <p>7 A. After I said that's all I</p> <p>8 wanted, I hung up.</p> <p>9 Q. Did he end the conversation</p> <p>10 or did you end the conversation?</p> <p>11 A. I believe I ended the</p> <p>12 conversation.</p> <p>13 Q. Is that the only time you've</p> <p>14 ever called Mr. Flowers since you've left</p> <p>15 Honeywell?</p> <p>16 A. No.</p> <p>17 Q. How many other times have you</p> <p>18 contacted him?</p> <p>19 A. Approximately two.</p> <p>20 Q. And what were -- why did you</p> <p>21 call him on those occasions?</p> <p>22 A. I was calling to check to see</p> <p>23 how he was doing.</p>
<p style="text-align: right;">Page 66</p> <p>1 A. I don't recall.</p> <p>2 Q. Didn't you just recently call</p> <p>3 him?</p> <p>4 A. Yes.</p> <p>5 Q. Did you tape-record him?</p> <p>6 A. No.</p> <p>7 Q. How long did you speak with</p> <p>8 Mr. Flowers?</p> <p>9 A. Approximately five minutes.</p> <p>10 Q. What was the -- what was said</p> <p>11 in that conversation?</p> <p>12 A. The conversation was stated</p> <p>13 that the hearing was coming up close, all</p> <p>14 I wanted him to do was tell the truth and</p> <p>15 nothing but the truth.</p> <p>16 Q. And what did he say?</p> <p>17 A. He said, I'll have to see.</p> <p>18 He says, I have to work with them. And I</p> <p>19 said, well, I'm -- I'm not asking you to</p> <p>20 do no more or less, just tell the truth.</p> <p>21 That's all you've got to do, tell the</p> <p>22 truth. I said, you know that they were</p> <p>23 racist and you know how they treated us</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Did you record any of those</p> <p>2 conversations?</p> <p>3 A. Not to my recollection, no.</p> <p>4 Q. Have you had any</p> <p>5 conversations with any former or current</p> <p>6 Honeywell employees about your lawsuit</p> <p>7 besides Mr. Flowers and indirectly Mr.</p> <p>8 Lavar?</p> <p>9 A. No, not that I can recall.</p> <p>10 Q. Have any current or former</p> <p>11 employees of Honeywell agreed to be</p> <p>12 witnesses for you?</p> <p>13 A. I haven't spoken to any at</p> <p>14 Honeywell, no.</p> <p>15 Q. How did you come to apply</p> <p>16 with Honeywell?</p> <p>17 A. I was hired through Jimmy --</p> <p>18 Jimmy Hodges.</p> <p>19 Q. But how did you come to apply</p> <p>20 with Honeywell? Did you -- was it posted</p> <p>21 somewhere? Did you see an advertisement?</p> <p>22 A. I walked in the building and</p> <p>23 saw a posting on the wall and asked about</p>

17 (Pages 65 to 68)



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<p style="text-align: right;">Page 69</p> <p>1 the job, inquired through the project 2 manager at the time. He said, I'll give 3 you an application, and I filled the 4 application out and I was hired. 5 Q. What was the job you applied 6 for? 7 A. Range tech. 8 Q. And is that what you were 9 when you were terminated, were you a 10 range tech? 11 A. Well, the proper name is 12 maintenance trades helper, and that's 13 what I was when I left there. 14 Q. And was that the DOL job 15 name, the Department Of Labor title? 16 A. Maintenance trades helper. 17 Q. And -- but you were referred 18 to as a range tech at the site; correct? 19 A. Yes. 20 Q. And Jimmy Hodges was the 21 project manager? 22 A. Yes. 23 Q. Is that the highest position</p>	<p style="text-align: right;">Page 71</p> <p>1 seen this document before? It's from the 2 Enterprise Nursing Home docs. 3 4 (Off-the-record discussion.) 5 6 Q. Had you had a problem with 7 no-call and no-shows at the Elba Nursing 8 Home? 9 A. No. 10 Q. So this -- okay. You've 11 testified that you were terminated from 12 Golden Flake, Humana, Elba Nursing Home 13 Enterprise Nursing Home. What other jobs 14 have you been terminated from? 15 A. I can't recall. 16 Q. And Honeywell. You don't 17 remember any other jobs you've been 18 terminated from? 19 A. I can't recall. 20 Q. Where else have you been 21 employed? 22 A. R&amp;S Logging. 23 Q. That's since Honeywell;</p>
<p style="text-align: right;">Page 70</p> <p>1 at the site for Honeywell? 2 A. Yes. 3 Q. And what was Mr. Hodges' 4 race? 5 A. He was Caucasian. 6 Q. And he hired you; is that 7 correct? 8 A. Yes. 9 Q. And what year was that? 10 A. Eight years ago. 11 Q. Do you remember what year you 12 were hired? 13 A. No. '97. 14 15 (Whereupon, Defendant's Exhibit No. 13 16 was marked for identification, and same 17 is attached hereto.) 18 19 Q. Let me show you what I'm 20 going to mark as Exhibit No. 13 and ask 21 you if you've seen this document before? 22 I sent this entire file to your 23 attorney. I'm just wondering if you've</p>	<p style="text-align: right;">Page 72</p> <p>1 correct? 2 A. (Nods head affirmatively.) 3 Q. Where else have you been 4 employed before Honeywell? 5 A. Y'all -- I can't recall. I 6 was working at the Officers Club at Fort 7 Rucker. 8 Q. What was your job there? 9 A. Busboy. 10 Q. And how long were you there? 11 A. A year-and-a-half. 12 Q. Okay. 13 A. A year. 14 Q. And why did you leave there? 15 A. I quit. 16 Q. Do you remember any other 17 positions you've had? 18 A. Say again? 19 Q. Any other jobs you've had? 20 A. I just can't recall right 21 now. 22 Q. But you've been fired from at 23 least five jobs; is that correct?</p>

18 (Pages 69 to 72)



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<p style="text-align: right;">Page 73</p> <p>1 A. I could say that, yes.</p> <p>2</p> <p>3 (Whereupon, Defendant's Exhibit No. 14</p> <p>4 was marked for identification, and same</p> <p>5 is attached hereto.)</p> <p>6</p> <p>7 Q. I'll show you what we're</p> <p>8 going to mark as Exhibit No. 14. Let me</p> <p>9 ask you: Did you -- you didn't sue any</p> <p>10 of these previous employers, correct,</p> <p>11 that fired you?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. Because they didn't do me</p> <p>15 injustice as far as being racist.</p> <p>16 Q. But you were employed by</p> <p>17 Honeywell longer than anywhere you've</p> <p>18 ever been employed; correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is that your application?</p> <p>21 A. Yes.</p> <p>22 Q. And AlliedSignal became</p> <p>23 Honeywell; is that correct?</p>	<p style="text-align: right;">Page 75</p> <p>1 cents an hour for being the supervisor.</p> <p>2 Q. So -- okay. So you typed</p> <p>3 this incorrectly, is that what you are</p> <p>4 saying?</p> <p>5 A. That was a misprint, yes.</p> <p>6 Q. Now, one of your references</p> <p>7 is a Terry Adkins; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Now, he -- you've asked him</p> <p>10 for a job since you left Honeywell; is</p> <p>11 that right?</p> <p>12 A. Yes.</p> <p>13 Q. And he did not hire you; is</p> <p>14 that correct?</p> <p>15 A. That's right.</p> <p>16 Q. And you didn't list all of</p> <p>17 your employers in the past seven years on</p> <p>18 this application, did you?</p> <p>19 A. No, I didn't. I was</p> <p>20 instructed I didn't have to.</p> <p>21 Q. Who instructed you?</p> <p>22 A. Jimmy Hodges.</p> <p>23 Q. Tell me what -- what does</p>
<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 Q. So this is your application</p> <p>3 for your job that you eventually had with</p> <p>4 Honeywell?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember your starting</p> <p>7 salary?</p> <p>8 A. Yes.</p> <p>9 Q. What was it?</p> <p>10 A. Eleven fifty-nine.</p> <p>11 Q. Is that more than you had</p> <p>12 ever made before?</p> <p>13 A. No.</p> <p>14 Q. Where had you made a higher</p> <p>15 salary?</p> <p>16 A. Pike Manor.</p> <p>17 Q. On here you state your ending</p> <p>18 salary at Pike Manor was eleven dollars</p> <p>19 an hour?</p> <p>20 A. Well, based on that, yes.</p> <p>21 But that's incorrect.</p> <p>22 Q. Well, you typed it; correct?</p> <p>23 A. Yes. It was -- I got fifty</p>	<p style="text-align: right;">Page 76</p> <p>1 Honeywell do at Fort Rucker?</p> <p>2 A. They are a maintenance</p> <p>3 contractor.</p> <p>4 Q. What types of things do they</p> <p>5 do for Fort Rucker?</p> <p>6 A. They maintain the area of</p> <p>7 gunnery range and small arms ranges.</p> <p>8 Q. How many employees does</p> <p>9 Honeywell have out there?</p> <p>10 A. I couldn't tell you at this</p> <p>11 point.</p> <p>12 Q. When you were employed?</p> <p>13 A. Approximately forty.</p> <p>14 Q. Can you tell me why you</p> <p>15 didn't mention going to George Wallace on</p> <p>16 this application or to Enterprise State?</p> <p>17 A. I didn't put Pike Manor -- I</p> <p>18 mean, MacArthur Tech either. Yes, I</p> <p>19 did. MacArthur. Probably because I</p> <p>20 didn't receive degrees there.</p> <p>21 Q. Who interviewed you for your</p> <p>22 job -- did you have an interview for your</p> <p>23 job with Honeywell?</p>

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<p>1 A. Yes, I did.</p> <p>2 Q. Who interviewed you?</p> <p>3 A. Jimmy Hodges, Jerry Temple,</p> <p>4 Roger Singletary.</p> <p>5 Q. Had you heard anything about</p> <p>6 AlliedSignal or Honeywell before you went</p> <p>7 to work there?</p> <p>8 A. Yes.</p> <p>9 Q. What did you hear?</p> <p>10 A. I heard they were out there</p> <p>11 at Fort Rucker working as a maintenance</p> <p>12 contractor.</p> <p>13 Q. You hadn't heard anything</p> <p>14 else about --</p> <p>15 A. No.</p> <p>16 Q. -- the work atmosphere?</p> <p>17 A. No.</p> <p>18</p> <p>19 (Whereupon, Defendant's Exhibit No. 15</p> <p>20 was marked for identification, and same</p> <p>21 is attached hereto.)</p> <p>22</p> <p>23 Q. Let me show you Exhibit -- I</p>	<p>1 was racist?</p> <p>2 A. Yes.</p> <p>3 Q. Why?</p> <p>4 A. When he initially hired me in</p> <p>5 or interviewed me, his comments to me at</p> <p>6 the time was, we need our quota.</p> <p>7 Q. Did you report that to</p> <p>8 anyone?</p> <p>9 A. At the time, I didn't really</p> <p>10 know what that meant.</p> <p>11 Q. So you don't know if it was</p> <p>12 meant in a racial sense?</p> <p>13 A. At that time, I did not.</p> <p>14 Q. Okay.</p> <p>15 A. Otherwise, I wouldn't have</p> <p>16 took the job.</p> <p>17</p> <p>18 (Whereupon, Defendant's Exhibit No. 16</p> <p>19 was marked for identification, and same</p> <p>20 is attached hereto.)</p> <p>21</p> <p>22 Q. Have you seen that document</p> <p>23 before?</p>
Page 78	Page 80
<p>1 think that's No. 15. Do you recall</p> <p>2 receiving this letter?</p> <p>3 A. Okay. You are asking me if I</p> <p>4 remember this?</p> <p>5 Q. Did you receive it?</p> <p>6 A. No.</p> <p>7 Q. You never got that letter?</p> <p>8 A. No.</p> <p>9 Q. How did you know to accept</p> <p>10 the -- the offer?</p> <p>11 A. I was called back in and told</p> <p>12 I had the job.</p> <p>13 Q. Did you ever live at 317</p> <p>14 Alberta Street?</p> <p>15 A. Yes.</p> <p>16 Q. Do you recall being offered</p> <p>17 the job at a rate of eleven fifty-nine</p> <p>18 per hour?</p> <p>19 A. Yes.</p> <p>20 Q. Were you satisfied with that</p> <p>21 starting hourly rate?</p> <p>22 A. Yes.</p> <p>23 Q. Did you think Jimmy Hodges</p>	<p>1 A. I haven't seen the document,</p> <p>2 no.</p> <p>3 Q. Is it a -- are the position</p> <p>4 characteristics; correct?</p> <p>5 A. Yes.</p> <p>6 MS. REISS: Let's take a</p> <p>7 break.</p> <p>8</p> <p>9 (Brief recess.)</p> <p>10</p> <p>11 Q. (By Ms. Reiss) Are you</p> <p>12 ready, Mr. Young?</p> <p>13 A. Yes.</p> <p>14 Q. And you understand you are</p> <p>15 still under oath?</p> <p>16 A. Yes, I do.</p> <p>17 MR. BENNITT: Yes, ma'am.</p> <p>18 A. Yes, ma'am.</p> <p>19 Q. It's okay. You've done</p> <p>20 pretty good about not saying um-hum or</p> <p>21 unh-unh. That's normally -- I wouldn't</p> <p>22 be able to get through one of these</p> <p>23 without saying that. Now, we'll just</p>

20 (Pages 77 to 80)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 81</p> <p>1 refer to you as a range tech. Okay?</p> <p>2 What was your job as a range tech?</p> <p>3 A. My job as a range tech was to</p> <p>4 go down range. I was -- my last job</p> <p>5 responsibility was in charge of twenty-</p> <p>6 seven ranges or so. I had to maintain</p> <p>7 the vegetation, the automated pop-up</p> <p>8 targets, repair them as needed, and</p> <p>9 perform daily maintenances on the units</p> <p>10 themselves.</p> <p>11 Q. And you say you had twenty-</p> <p>12 seven targets?</p> <p>13 A. No.</p> <p>14 Q. You said twenty-seven ranges?</p> <p>15 A. Correct.</p> <p>16 Q. How many are there total out</p> <p>17 there that Honeywell works on?</p> <p>18 A. When I was there, it was</p> <p>19 approximately twenty-seven ranges.</p> <p>20 Q. And you worked on all of</p> <p>21 them?</p> <p>22 A. Pretty much.</p> <p>23 Q. Why did they have two other</p>	<p style="text-align: right;">Page 83</p> <p>1 A. I recall you making that</p> <p>2 statement.</p> <p>3 Q. Did he approach you about a</p> <p>4 safety job?</p> <p>5 A. He didn't approach me to say,</p> <p>6 hey, I have a safety. We were in</p> <p>7 discussion and he says, hey, why don't</p> <p>8 you apply?</p> <p>9 Q. Is that a higher paying job?</p> <p>10 A. Yes. At the time, I -- I</p> <p>11 believe -- I don't -- I don't recall at</p> <p>12 the time.</p> <p>13 Q. But you just said yes and</p> <p>14 then --</p> <p>15 A. Well, because when I left</p> <p>16 there, they were like one penny ahead of</p> <p>17 us, maybe.</p> <p>18 Q. And are you aware that as of</p> <p>19 2005 the safety positions were set shifts</p> <p>20 that did not rotate?</p> <p>21 A. No, I wasn't aware of that.</p> <p>22 Q. When you first became a range</p> <p>23 tech, who was your direct supervisor?</p>
<p style="text-align: right;">Page 82</p> <p>1 range techs if you worked on all the</p> <p>2 ranges?</p> <p>3 A. We all did the same and</p> <p>4 worked in together. There would be days</p> <p>5 I would work on the area of gunnery</p> <p>6 range. There would be days I would work</p> <p>7 on MRF range. They would come work on</p> <p>8 the MRF range with me. They would work</p> <p>9 on the CPQC, the MPMG. The -- the new</p> <p>10 ranges, we didn't do that much, but I was</p> <p>11 involved in setting them up and at any</p> <p>12 point in time if we were needed or needed</p> <p>13 -- the range was scheduled, we would have</p> <p>14 to go perform maintenance on it or do</p> <p>15 whatever was needed.</p> <p>16 Q. You weren't assigned to</p> <p>17 specific ranges?</p> <p>18 A. I was assigned small arms</p> <p>19 ranges. Under that umbrella comes about</p> <p>20 twenty-four to twenty-seven ranges.</p> <p>21 Q. We were talking earlier about</p> <p>22 Mr. Erickson approached you about a</p> <p>23 safety job. Remember?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Roger Singletary.</p> <p>2 Q. Was Jerry Temple employed</p> <p>3 there at the time?</p> <p>4 A. Yes, he was.</p> <p>5 Q. What was your hourly rate at</p> <p>6 the time you left Honeywell?</p> <p>7 A. I believe it was thirteen</p> <p>8 eighty-one.</p> <p>9 Q. And you recall receiving a</p> <p>10 handbook when you started with Honeywell?</p> <p>11 A. Yes.</p> <p>12 Q. And did you read the</p> <p>13 handbook?</p> <p>14 A. Yes.</p> <p>15</p> <p>16 (Whereupon, Defendant's Exhibit No. 17</p> <p>17 was marked for identification, and same</p> <p>18 is attached hereto.)</p> <p>19</p> <p>20 Q. Is this your signature</p> <p>21 acknowledging your receipt of the</p> <p>22 handbook at the time you were hired?</p> <p>23 A. Yes.</p>

21 (Pages 81 to 84)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 85</p> <p>1 Q. Now, Mr. Lavar, was he 2 employed at the time you were hired? 3 A. Yes. 4 Q. He was? 5 A. Yes. 6 Q. Was Mr. Flowers employed at 7 the time you were hired? 8 A. No. 9 Q. He was hired later? 10 A. Yes. 11 Q. Do you know who hired him? 12 A. No, I don't know who hired 13 him. 14 15 (Whereupon, Defendant's Exhibit No. 18 16 was marked for identification, and same 17 is attached hereto.) 18 19 Q. I'll show you what we're 20 going to mark as Exhibit No. 18, and this 21 is an acknowledgement of receipt of a 22 number of Honeywell policies, and ask you 23 if that's your signature on the bottom of</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Who did you call? 2 A. I reported it to Mr. Erickson 3 at one time. 4 Q. And when was that? Oh, you 5 don't remember; correct? 6 A. No. 7 Q. And what did you report to 8 Mr. Erickson about Mr. Temple? 9 A. The first time that I 10 remember was when Mr. Temple had cussed 11 me for no reason. 12 Q. And what did you talk to Mr. 13 Erickson about? 14 A. Stated that he had cussed me 15 for no reason. 16 Q. And what was Mr. Erickson's 17 response? 18 A. He told me that maybe he did 19 it because I was late for work. 20 Q. And was anything else said in 21 that conversation? 22 A. Pretty much he blamed me. 23 Q. Any other -- did you make any</p>
<p style="text-align: right;">Page 86</p> <p>1 that page? 2 A. Yes. 3 Q. Do you remember going over 4 this with -- who did you go over this 5 page with, this document, with Mr. 6 Erickson or Mr. Temple? 7 A. Both. 8 Q. Did Mr. Temple follow Mr. 9 Singletary being your supervisor? 10 A. Say that again. 11 Q. Was Mr. Temple the supervisor 12 you had after Mr. Singletary was no 13 longer your direct supervisor? 14 A. Yes. 15 Q. How long was Mr. Temple your 16 supervisor, direct supervisor? 17 A. Three years. 18 Q. Did you ever call Honeywell 19 and report his behavior to anyone? 20 A. Yes. 21 Q. When was that? 22 A. I don't recall the exact 23 date.</p>	<p style="text-align: right;">Page 88</p> <p>1 other reports to Mr. Erickson? 2 A. I can't recall. 3 Q. Now, looking at this March 4 15, 2006 document that you went over with 5 Mr. Erickson and Mr. Temple, you received 6 a -- a number of policies from Honeywell; 7 correct? 8 A. Yes. 9 Q. And Honeywell is under 10 contract with the Army at Fort Rucker; is 11 that right? 12 A. Yes. 13 Q. And does the Army renew that 14 contract each year based on Honeywell's 15 performance? 16 A. I'm not in administration, so 17 I couldn't tell you that. 18 Q. What is your knowledge based 19 -- being employed there for a number of 20 years? 21 A. I know that when the contract 22 is awarded, it's awarded five years with 23 a one year option.</p>

22 (Pages 85 to 88)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 89</p> <p>1 Q. Do you interface with the 2 Army while you are out there, Army 3 personnel? 4 A. Yes. 5 Q. Do you know a gentleman named 6 William Leyh or Bill Leyh? 7 A. Yes. 8 Q. And what's his position with 9 the Army? 10 A. Currently, when I left there, 11 he was division chief. 12 Q. Of what? 13 A. Of Fort Rucker -- or, excuse 14 me, of range control. 15 Q. Was he -- was he at one time 16 an employee of Honeywell? 17 A. Yes. 18 Q. What was his position with 19 Honeywell? 20 A. I couldn't tell you. He was 21 there and gone after me. 22 Q. Okay. 23 A. Or before me.</p>	<p style="text-align: right;">Page 91</p> <p>1 you drove around? 2 A. No. At this time, this truck 3 was a Honeywell truck. 4 Q. What time? 5 A. At the time that you are 6 talking about here. It's a Honeywell 7 truck. It's not a GSA owned truck. 8 Q. How did you know your truck 9 was a Honeywell owned truck? 10 A. It has Honeywell on the side 11 of the door. 12 Q. And that's the truck you 13 drove for how long? 14 A. Which truck are you referring 15 to? 16 Q. That's what I'm asking you. 17 How long did you drive a Honeywell 18 truck? You said during this time, which 19 would have been February of '06? 20 A. February of '06, I drove that 21 truck -- it's an '06 truck. I believe 22 so, '06. 23 Q. Before that you had some</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. I want to go over some of 2 these policies that were included in that 3 packet that you went over with Mr. 4 Erickson and Mr. Temple. Exhibit No. 19 5 is the contract vehicle and tool security 6 policy. Did you drive a truck as an 7 employee of Honeywell? 8 9 (Whereupon, Defendant's Exhibit No. 19 10 was marked for identification, and same 11 is attached hereto.) 12 13 A. Yes. 14 Q. And was that truck government 15 property? 16 A. Once again, I was not in the 17 administration department as far as 18 knowing whether or not that's a 19 government vehicle. We were treated as a 20 government vehicle, but as ownership of 21 it, I have no knowledge of that. 22 Q. You don't know if the 23 government owned the -- the truck that</p>	<p style="text-align: right;">Page 92</p> <p>1 government trucks? 2 A. I have not driven but -- 3 wait. Time out. I -- I drove a 4 government truck one time and then come 5 to -- the one ton truck was a government 6 truck. But the time before that was a 7 Honeywell truck. So the last -- the last 8 truck that I was driving there was a GSA 9 truck. 10 Q. Was a -- 11 A. That one -- I stand 12 corrected. That truck, I -- that truck 13 was a government truck. 14 Q. And under this regulation 15 that you received policy 06-03, this 16 states that: Contract vehicles -- I mean 17 -- and I take that to mean government 18 trucks; is that correct? 19 A. It's a wording thing. 20 Q. Well, you knew -- that's what 21 you understood; is that correct? 22 A. What are you asking me? 23 Q. Were contract vehicles</p>

23 (Pages 89 to 92)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 93</p> <p>1 government trucks?</p> <p>2 A. I can't answer that.</p> <p>3 Q. Did you ask Mr. Temple what</p> <p>4 this meant when he went over this policy</p> <p>5 with you?</p> <p>6 A. No, I didn't.</p> <p>7 Q. Will be locked and secured at</p> <p>8 the end of each workday. You understood</p> <p>9 that your truck was to be locked and</p> <p>10 secured at the end of the workday;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. Regardless of the fact if it</p> <p>14 was a Honeywell or a government truck?</p> <p>15 A. Yes.</p> <p>16 Q. And that supervisors could</p> <p>17 perform random checks to make sure this</p> <p>18 was done; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. You don't have a background</p> <p>21 in the Army, do you?</p> <p>22 A. No.</p> <p>23 Q. Many of your co-workers do,</p>	<p style="text-align: right;">Page 95</p> <p>1 that -- that Army personnel would also</p> <p>2 watch over Honeywell employees, make sure</p> <p>3 they were doing their job, spot-check,</p> <p>4 things of that nature; is that correct?</p> <p>5 A. No. That's -- that's out of</p> <p>6 compliance with the policy.</p> <p>7 Q. Out of compliance with what</p> <p>8 policy?</p> <p>9 A. Honeywell's policy.</p> <p>10 Government employees have no -- can't do</p> <p>11 anything in Honeywell's business. It's</p> <p>12 against --</p> <p>13 Q. But they can report things</p> <p>14 they see to Honeywell, could they not?</p> <p>15 A. They have to go through the</p> <p>16 COR, not to Honeywell.</p> <p>17 Q. And the COR is what?</p> <p>18 A. Contract and officer</p> <p>19 representative.</p> <p>20 Q. And that's an -- an Army</p> <p>21 employee who is -- who is contracting</p> <p>22 with Honeywell; correct?</p> <p>23 A. I -- yes.</p>
<p style="text-align: right;">Page 94</p> <p>1 though; is that correct?</p> <p>2 A. Probably fifty/fifty.</p> <p>3 Q. Mr. Lavar has a background in</p> <p>4 the Army?</p> <p>5 A. Yes.</p> <p>6 Q. Mr. Flowers?</p> <p>7 A. Yes.</p> <p>8 Q. Mr. Erickson?</p> <p>9 A. I guess.</p> <p>10 Q. You never talked to him about</p> <p>11 it?</p> <p>12 A. It's personal.</p> <p>13 Q. Well, you didn't know he was</p> <p>14 retired Army?</p> <p>15 A. Who are you asking about?</p> <p>16 Q. Mr. Erickson?</p> <p>17 A. Yes. Well, no. I -- he's</p> <p>18 not retired Army. He's National Guard or</p> <p>19 something.</p> <p>20 MR. ERICKSON: Retired Army</p> <p>21 Reserves.</p> <p>22 A. Reserves.</p> <p>23 Q. And it's my understanding</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. But they report things they</p> <p>2 might see to the COR who then reports it</p> <p>3 to Honeywell?</p> <p>4 A. Yes.</p> <p>5 Q. And who was the COR at the</p> <p>6 time you left Honeywell?</p> <p>7 A. I have no idea.</p> <p>8 Q. Was his name Jerry Webers?</p> <p>9 A. No.</p> <p>10 Q. Was there a COR named Jerry</p> <p>11 Webers?</p> <p>12 A. There was a Mr. Webers. I</p> <p>13 don't know if it was Jerry.</p> <p>14 Q. Okay.</p> <p>15 A. But he wasn't the --</p> <p>16 Q. Joe Webers, how about Joe</p> <p>17 Webers?</p> <p>18 A. Joe Webers.</p> <p>19</p> <p>20 (Whereupon, Defendant's Exhibit No. 20</p> <p>21 was marked for identification, and same</p> <p>22 is attached hereto.)</p> <p>23</p>

24 (Pages 93 to 96)

## FREEDOM COURT REPORTING

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<p>1 Q. I'll show you what we're 2 going to mark as Exhibit No. 20, policy 3 06-05 regarding vehicle and equipment 4 maintenance. Have you seen that document 5 before? 6 A. Yes. 7 Q. And it's -- on the heading 8 there, it says: To employees affected by 9 contract DABK 31-03-C-0001 -- 10 A. Time out. Time out. Where 11 are you at? 12 Q. Under the -- by the to line. 13 A. Okay. 14 Q. Under date. 15 A. Okay. 16 Q. Is that the contract that 17 Honeywell was under with the government? 18 A. I assume. I -- 19 Q. Okay. And on this -- on this 20 policy, number seven states: The 21 interior and exterior, including the 22 toolboxes, are to be free of garbage at 23 the end of the shift?</p>	<p>1 A. That's correct. 2 Q. Did you comply with this 3 policy? 4 A. Yes. 5 Q. Did you comply with the 6 policy that requires you to lock and 7 secure your vehicle at the end of the 8 workday? 9 A. This one (indicating), no. 10 Lock and secure my vehicle, the vehicle 11 was locked, yes. 12 Q. So you are saying you 13 complied with that policy? 14 A. The toolbox was unlocked, if 15 that's what you are asking. 16 Q. So you didn't comply with 17 that? 18 MR. BENNITT: Just answer the 19 questions. Okay? 20 THE WITNESS: Okay. 21 MR. BENNITT: You know, try 22 not to interpret and guess. Just answer 23 the question.</p>
Page 98	Page 100
<p>1 A. That's correct. 2 Q. For example, no vehicle will 3 be left by the operator at the end of the 4 shift with drink bottles, candy wrappers 5 or discarded work material in the 6 interior or the exterior of vehicle? 7 A. That's correct. 8 Q. Floorboards and cargo areas 9 of vehicles will be free of mud, dirt, 10 and grime at the end of the shift? 11 A. That's correct. 12 Q. All discarded trash shall be 13 placed in the proper container? 14 A. That's correct. 15 Q. Shift supervisors will 16 inspect and assure that vehicles are 17 cleaned, fueled and stocked for the next 18 day; is that correct? 19 A. That's correct. 20 Q. And supervisors and 21 management have responsibility for 22 performing random checks; is that 23 correct?</p>	<p>1 A. Yes. 2 Q. You complied with both 3 policies? 4 A. This one right here 5 (indicating), no, I didn't comply. 6 Q. What's this one, Exhibit No. 7 19? 8 A. Exhibit No. 19. 9 Q. And what policy is that one? 10 A. Policy -- which -- which one 11 do you want, Exhibit No. 19? 12 Q. Is that locking and securing 13 the vehicle? 14 A. Yes. 15 Q. You complied with that? 16 A. No, I didn't comply with 17 that. 18 Q. But you complied with Exhibit 19 -- is that No. 20, vehicle and equipment 20 maintenance? 21 A. Yes. 22 Q. You were never written up for 23 violating that policy?</p>

25 (Pages 97 to 100)

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<p>1 A. Yes, I was.</p> <p>2 <b>Q. So you didn't comply with it?</b></p> <p>3 A. No, I complied. I was wrote</p> <p>4 up, but I complied.</p> <p>5 <b>Q. Okay.</b></p> <p>6 A. There was another individual</p> <p>7 that rode with me that was responsible</p> <p>8 for those.</p> <p>9 MR. BENNITT: I didn't hear a</p> <p>10 question.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 <b>Q. Who was the other individual</b></p> <p>13 <b>that rode with you?</b></p> <p>14 A. Lisa Uti.</p> <p>15 <b>Q. And what was her position</b></p> <p>16 <b>title?</b></p> <p>17 A. Computer operator.</p> <p>18 <b>Q. Was she subordinate to you?</b></p> <p>19 A. No.</p> <p>20 <b>Q. Why was the computer operator</b></p> <p>21 <b>riding with you?</b></p> <p>22 A. Assisting, had no -- had no</p> <p>23 ranges to operate.</p>	<p>1 <b>truck to do your job duties?</b></p> <p>2 A. Did I sign and was told --</p> <p>3 <b>Q. Were you assigned a specific</b></p> <p>4 <b>truck to do your job duties?</b></p> <p>5 A. I drove a specific truck</p> <p>6 every day, yes.</p> <p>7 <b>Q. And you were the operator of</b></p> <p>8 <b>that truck; correct?</b></p> <p>9 A. That day, yes.</p> <p>10 <b>Q. Each day you had that --</b></p> <p>11 A. Each day I used that truck,</p> <p>12 yes.</p> <p>13 <b>Q. And so you were responsible</b></p> <p>14 <b>for these policies each day you had that</b></p> <p>15 <b>truck?</b></p> <p>16 A. Whoever drove that truck was</p> <p>17 responsible for that truck at the time.</p> <p>18 <b>Q. Were you the operator of --</b></p> <p>19 <b>considered the operator of the truck?</b></p> <p>20 A. She was also considered the</p> <p>21 operator of the truck as well.</p> <p>22 <b>Q. She was assisting you;</b></p> <p>23 <b>correct?</b></p>
Page 102	Page 104
<p>1 <b>Q. So she was assisting you with</b></p> <p>2 <b>your work?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. So you basically were her</b></p> <p>5 <b>supervisor during the time she assisted</b></p> <p>6 <b>you with your work?</b></p> <p>7 A. I was instructed I was not</p> <p>8 her supervisor. She had her own</p> <p>9 supervisor.</p> <p>10 <b>Q. You were ultimately</b></p> <p>11 <b>responsible for that truck; correct?</b></p> <p>12 A. I ultimately was assigned</p> <p>13 that truck.</p> <p>14 <b>Q. And it was -- and you were</b></p> <p>15 <b>ultimately -- that was your truck, you</b></p> <p>16 <b>were operator of the truck; correct?</b></p> <p>17 A. I was operator of the truck.</p> <p>18 <b>Q. And this policy applies to</b></p> <p>19 <b>operators of the trucks; correct?</b></p> <p>20 A. I'm not -- not the operator.</p> <p>21 Anyone can operate that truck that has a</p> <p>22 license.</p> <p>23 <b>Q. Were you assigned a specific</b></p>	<p>1 A. But she also drove the truck.</p> <p>2 <b>Q. Are you blaming her?</b></p> <p>3 A. I'm not pointing a finger.</p> <p>4 <b>Q. I'm just want to make sure.</b></p> <p>5 <b>So you are taking responsibility?</b></p> <p>6 A. Responsibility for what?</p> <p>7 <b>Q. For violating --</b></p> <p>8 A. I did not violate --</p> <p>9 <b>Q. -- the policy?</b></p> <p>10 A. -- the policy.</p> <p>11 <b>Q. Were you written up for it?</b></p> <p>12 A. Yes.</p> <p>13</p> <p>14 (Whereupon, Defendant's Exhibit No. 22</p> <p>15 was marked for identification, and same</p> <p>16 is attached hereto.)</p> <p>17</p> <p>18 <b>Q. Did you receive Exhibit No.</b></p> <p>19 <b>-- No. 22, the policy on work schedule,</b></p> <p>20 <b>comp time and tardiness?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. And you understood that it</b></p> <p>23 <b>would be a -- a late arrival is defined</b></p>

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<p style="text-align: right;">Page 105</p> <p>1 as an employee arriving one to thirty 2 minutes after the start of a scheduled 3 shift? 4 A. Yes. 5 Q. So if you were one minute 6 late, that was considered a tardy; is 7 that correct? 8 A. Yes. 9 Q. You did not fill out time 10 cards when you were at Honeywell; 11 correct? 12 A. Correct. 13 Q. Okay. 14 MS. REISS: So that will 15 answer one of your questions there, 16 Jeff. 17 MR. BENNITT: Yeah, it 18 does. 19 MS. REISS: You probably 20 should have checked with your client 21 first, but -- 22 MR. BENNITT: Well, actually, 23 I just wanted to make sure.</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Oh. 2 Q. No. 18. It is marked that 3 you received the disciplinary -- 4 disciplinary action policy 06-09 -- 5 A. Okay. I stand corrected. I 6 received it. 7 Q. And did you ever -- did you 8 -- did you ask any questions about this 9 policy? 10 A. No. At the time that I 11 received it did I ask any questions, 12 that's what you are asking? 13 Q. Yes. 14 A. No. 15 Q. Did you have any questions 16 about it? 17 A. No. 18 Q. You understood you were an 19 at-will employee at Honeywell? 20 A. Yes. 21 Q. What does that mean to you? 22 A. It means they can fire you 23 any time they get ready.</p>
<p style="text-align: right;">Page 106</p> <p>1 (Whereupon, Defendant's Exhibit No. 23 2 was marked for identification, and same 3 is attached hereto.) 4 5 Q. And you also received the 6 disciplinary procedure policy; is that 7 right, Mr. Young? 8 A. Regarding to what? 9 Q. Policy 06-09. 10 MR. BENNITT: What number is 11 that, No. 23? 12 A. No, I don't recall receiving 13 this one. 14 Q. Well, let's go back to -- 15 can you give me the number of the 16 exhibit, what the checklist was? 17 A. No. 23. 18 Q. Can you tell me what number 19 that is in your -- over here, please? 20 A. The one that's in my hand? 21 Q. No. The checklist you 22 received that had these policies you went 23 over.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. How many times were you 2 disciplined while at Honeywell? 3 A. I don't recall. 4 Q. How many times -- was it over 5 five? 6 A. I don't recall. Policy -- 7 the personnel file would tell that you. 8 Q. Well, this is your deposition 9 and you -- you are suing them, so I would 10 hope you would have some kind of 11 recollection? 12 A. I don't. 13 Q. Do you know if it was more 14 than ten times? 15 A. I don't recall. 16 Q. Do you recall being written 17 up in 1999 for -- for having an out-of- 18 state tag on your car that was out of 19 date? 20 A. No, I don't. 21 22 23</p>

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## FREEDOM COURT REPORTING

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1 (Whereupon, Defendant's Exhibit No. 24  
2 was marked for identification, and same  
3 is attached hereto.)

4  
5 **Q. Exhibit No. 24, did you**  
6 **receive these general conditions of**  
7 **employment when you were hired with**  
8 **Honeywell?**

9 A. I received this.

10  
11 (Off-the-record discussion.)

12  
13 (Whereupon, Defendant's Exhibit No. 25  
14 was marked for identification, and same  
15 is attached hereto.)

16  
17 **Q. Let me show you what's**  
18 **Exhibit No. 25, Mr. Young, if you could**  
19 **review that, please?**

20 A. Okay.

21 **Q. Do you recall this incident?**

22 A. I recall the incident.

23 **Q. It says here that Mr. Hodges**

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1 **Hodges of singling you out?**

2 A. No, I don't recall this.

3 **Q. If you were -- did, in fact,**  
4 **drive an uninsured, unlicensed car on the**  
5 **premises, that would be a violation of**  
6 **Fort Rucker policies and Honeywell**  
7 **policies and state law; correct?**

8 A. No.

9 **Q. It wouldn't?**

10 A. No. You are allowed ten days  
11 to get your registration once you have  
12 purchased.

13 **Q. But if you've been previously**  
14 **warned about this?**

15 A. State law, you have ten days  
16 to get your license, insurance and  
17 whatnot.

18 **Q. And you are saying you don't**  
19 **remember whether you had been previously**  
20 **warned about this?**

21 A. I don't remember this as far  
22 as -- I remember the incident. But as  
23 far as being warned and all that, I don't

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1 -- who was your project manager; is that  
2 correct?

3 A. That's right.

4 **Q. Observed you arrive at work**  
5 **with a car with expired, out-of-state**  
6 **license plate?**

7 A. That's right.

8 **Q. And that you had previously**  
9 **been warned about driving an uninsured,**  
10 **unlicensed vehicle because it violated**  
11 **Fort Rucker military regulations; is that**  
12 **correct?**

13 A. I don't recall that.

14 **Q. And he asked you for proof of**  
15 **registration and insurance during this**  
16 **occasion, Mr. Hodges did?**

17 A. I don't recall. I believe --  
18 I don't recall.

19 **Q. And you acknowledged that the**  
20 **car was unlicensed and uninsured; do you**  
21 **remember that?**

22 A. No.

23 **Q. You remember accusing Mr.**

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1 remember all that.

2 **Q. Does this memo indicate that**  
3 **Mr. Young -- Mr. Hodges felt threatened**  
4 **by you, that you stood by his door for**  
5 **about five minutes and wouldn't leave?**

6 A. Do what? No. I don't know  
7 -- I don't even know where this document  
8 came from.

9 **Q. Where do you think it came**  
10 **from?**

11 A. I believe someone conjured it  
12 up and stuck it in someone's file or  
13 something. I don't --

14 **Q. And what evidence do you have**  
15 **that someone conjured it up?**

16 A. Okay. If this is a -- well,  
17 where is my signature at or it's  
18 showing --

19 **Q. It's a memo, for the record.**  
20 **It doesn't ask for your signature.**

21 A. Well, then I -- then I don't  
22 recollect if it's a memo. That's for  
23 their personnel file.

28 (Pages 109 to 112)

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<p style="text-align: right;">Page 113</p> <p>1 Q. Right. So how -- what</p> <p>2 evidence do you have --</p> <p>3 A. How would I know anything</p> <p>4 about this?</p> <p>5 Q. -- that someone conjured it</p> <p>6 up?</p> <p>7 MR. BENNITT: Let her finish</p> <p>8 the question.</p> <p>9 THE WITNESS: Okay.</p> <p>10 A. Because I don't recall this</p> <p>11 and you -- you are telling me that it's</p> <p>12 happened and somebody got it in here.</p> <p>13 Q. Actually, you just testified</p> <p>14 that you do recall the incident?</p> <p>15 A. The incident. But as far as</p> <p>16 the statement that you made -- what was</p> <p>17 it? Being warned about this previously,</p> <p>18 I -- I don't recall that.</p> <p>19 Q. I'm asking you for the third</p> <p>20 time: What evidence do you have that</p> <p>21 someone conjured this up other than the</p> <p>22 fact that you've never seen the document</p> <p>23 before? And conjured is your word.</p>	<p style="text-align: right;">Page 115</p> <p>1 document.</p> <p>2 MR. BENNITT: Is that a</p> <p>3 question?</p> <p>4 MS. REISS: I just want to be</p> <p>5 clear here that we don't start casting</p> <p>6 aspersions about things we have</p> <p>7 absolutely no basis for.</p> <p>8 MR. BENNITT: Well, okay.</p> <p>9 Q. Do you recall being given a</p> <p>10 memo about the fact that you didn't keep</p> <p>11 -- had a flat tire for your spare tire in</p> <p>12 the bed of your truck?</p> <p>13 A. No.</p> <p>14</p> <p>15 (Whereupon, Defendant's Exhibit No. 26</p> <p>16 was marked for identification, and same</p> <p>17 is attached hereto.)</p> <p>18</p> <p>19 Q. I'll show you Exhibit No.</p> <p>20 26. It's a memo written to you, Mr.</p> <p>21 Temple and to Mr. Little.</p> <p>22 A. That's right.</p> <p>23 Q. Tell me when you've had a</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Because I've never seen this</p> <p>2 document before.</p> <p>3 Q. So just because you've never</p> <p>4 seen a document before it must be false</p> <p>5 or fake?</p> <p>6 A. Well, I didn't -- like I</p> <p>7 said, I don't recall it. All I recall is</p> <p>8 the incident, but as far as the other</p> <p>9 stuff here, I don't recall it.</p> <p>10 Q. Is that your statement?</p> <p>11 Just --</p> <p>12 A. That's my statement.</p> <p>13 Q. You've never seen the</p> <p>14 document before, it must be false or</p> <p>15 fake?</p> <p>16 A. I've never seen the document</p> <p>17 is what I'm stating.</p> <p>18 Q. And does that mean it's false</p> <p>19 or fake?</p> <p>20 A. I'm not to say that. I'm</p> <p>21 saying --</p> <p>22 Q. All right. Good.</p> <p>23 A. -- I've never seen the</p>	<p style="text-align: right;">Page 116</p> <p>1 chance to read it, please?</p> <p>2 A. I know what this is.</p> <p>3 Q. You do recall this?</p> <p>4 A. This was just a general memo</p> <p>5 for my section. Pat Little had the tire</p> <p>6 that wasn't in his truck, not my truck.</p> <p>7 Q. Why is the memo written to</p> <p>8 you?</p> <p>9 A. It's not.</p> <p>10 Q. It has to Jerry Temple, Pat</p> <p>11 Little and Curley Young?</p> <p>12 A. The section. It's to the</p> <p>13 section. It's not to me.</p> <p>14 Q. What section is that?</p> <p>15 A. Range tech.</p> <p>16 MR. BENNITT: What number is</p> <p>17 that?</p> <p>18 THE WITNESS: No. 26.</p> <p>19 Q. Would this be in a truck you</p> <p>20 had access to?</p> <p>21 A. No.</p> <p>22 Q. Why do you -- so you are just</p> <p>23 -- you are just included in this memo</p>

29 (Pages 113 to 116)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 117</p> <p>1 because you are in this section?</p> <p>2 A. It was a memo for the</p> <p>3 section, all section personnel, that in</p> <p>4 the event that this occurred again that</p> <p>5 the tires needed to be fixed at the</p> <p>6 appropriate time. It was -- we all had</p> <p>7 separate trucks at the time. Temple had</p> <p>8 a truck. Pat Little had a truck. Curley</p> <p>9 Young had a truck. This was Pat Little's</p> <p>10 truck.</p> <p>11 Q. What was your truck at the</p> <p>12 time?</p> <p>13 A. I -- I don't recall which --</p> <p>14 oh, there it is, 05 truck. I had it --</p> <p>15 my truck was 06. There it is right</p> <p>16 there. In the bed of 99-05. That will</p> <p>17 tell you whose truck it was. I had 06.</p> <p>18 99-06 was my truck, or 07. 05 is Pat --</p> <p>19 no. That's -- as a matter of fact,</p> <p>20 that's the admin's truck, if I'm not --</p> <p>21 Mr. Lavar, is that not admin's --</p> <p>22 Q. He's not here to answer your</p> <p>23 questions. He's not here to answer your</p>	<p style="text-align: right;">Page 119</p> <p>1 you if you recall receiving this</p> <p>2 certificate?</p> <p>3 A. Yes.</p> <p>4 Q. Did you go to a diversity</p> <p>5 awareness training put on by Honeywell?</p> <p>6 A. Yes.</p> <p>7 Q. And how long did that</p> <p>8 training last?</p> <p>9 A. I don't recall.</p> <p>10 Q. And what was it about?</p> <p>11 A. Diversity awareness.</p> <p>12 Q. What does that mean?</p> <p>13 A. Just as it says.</p> <p>14 Q. Would you explain a little</p> <p>15 further to me, Mr. Young, or is that all</p> <p>16 you can recall about it?</p> <p>17 A. That's all I can recall.</p> <p>18 Q. Do you remember who gave the</p> <p>19 training?</p> <p>20 A. Frank Shap, I believe.</p> <p>21 Q. And who is that?</p> <p>22 A. At the time, I believe he was</p> <p>23 the program manager of the contract at</p>
<p style="text-align: right;">Page 118</p> <p>1 questions.</p> <p>2 A. Well, Ken can't answer it.</p> <p>3 MR. BENNITT: No. No. No.</p> <p>4 No. Here's the -- here's the way it</p> <p>5 works. She asks the question and you</p> <p>6 answer it. Okay, sir?</p> <p>7 Q. Mr. Young, my understanding</p> <p>8 is that '99 is the year of the truck, not</p> <p>9 '05. This memo was written in March of</p> <p>10 2000. What was your truck at the time</p> <p>11 this memo was written?</p> <p>12 A. 99-05 is not my truck.</p> <p>13 Q. What was your truck?</p> <p>14 A. If I'm not mistaken, 99 '07</p> <p>15 was my truck. These were the Ford</p> <p>16 F-150's.</p> <p>17</p> <p>18 (Whereupon, Defendant's Exhibit No. 27</p> <p>19 was marked for identification, and same</p> <p>20 is attached hereto.)</p> <p>21</p> <p>22 Q. I'll show you what we are</p> <p>23 going to mark as Exhibit No. 27 and ask</p>	<p style="text-align: right;">Page 120</p> <p>1 the time.</p> <p>2 Q. Now, the Honeywell site --</p> <p>3 the entire time you worked for Honeywell,</p> <p>4 you worked on Fort Rucker property;</p> <p>5 correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And you were evaluated from</p> <p>8 time to time; is that right?</p> <p>9 A. Every year.</p> <p>10</p> <p>11 (Whereupon, Defendant's Exhibit No. 28</p> <p>12 was marked for identification, and same</p> <p>13 is attached hereto.)</p> <p>14</p> <p>15 Q. Let me show you Exhibit No.</p> <p>16 28 and show you your -- I believe this is</p> <p>17 your 2000 evaluation?</p> <p>18 A. Yes.</p> <p>19 Q. Is that your signature at the</p> <p>20 bottom?</p> <p>21 A. Yes.</p> <p>22 Q. And this was an evaluation</p> <p>23 performed by James Hodges?</p>

30 (Pages 117 to 120)

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<p>1 A. Yes.</p> <p>2 Q. Or y'all call him Jimmy</p> <p>3 Hodges?</p> <p>4 A. Yes.</p> <p>5 Q. And he noted that you needed</p> <p>6 development in three areas; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Business acumen, developing</p> <p>10 people, and technical skills; is that</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. And under developmental</p> <p>14 needs, he said you need a better</p> <p>15 understanding of the direct needs of the</p> <p>16 contract. What contract is he referring</p> <p>17 to there?</p> <p>18 A. Honeywell's contract.</p> <p>19 Q. Develop an understanding of</p> <p>20 program goals and objectives, achieve a</p> <p>21 better understanding of HTSI policies.</p> <p>22 Do you recall what that was about?</p> <p>23 A. No, I don't.</p>	<p>1 Q. You don't recall the</p> <p>2 university you were online with?</p> <p>3 A. It was one that Honeywell --</p> <p>4 it was one that Honeywell set up for us.</p> <p>5 I think it was --</p> <p>6 Q. You don't remember the name?</p> <p>7 A. Brown maybe or --</p> <p>8 Q. How long -- how many courses</p> <p>9 did you take online?</p> <p>10 A. I don't recall.</p> <p>11 Q. How long did you take courses</p> <p>12 online?</p> <p>13 A. Probably three months.</p> <p>14 Q. Did you have any</p> <p>15 disagreements with this evaluation?</p> <p>16 A. No.</p> <p>17</p> <p>18 (Whereupon, Defendant's Exhibit No. 29</p> <p>19 was marked for identification, and same</p> <p>20 is attached hereto.)</p> <p>21</p> <p>22 Q. Let me show you what we are</p> <p>23 going to mark as Exhibit No. 29. Now,</p>
Page 122	Page 124
<p>1 Q. What does HTSI stand for?</p> <p>2 A. Honeywell Technology</p> <p>3 Solutions, Incorporated.</p> <p>4 Q. And then communicate more</p> <p>5 effectively with supervisors and other</p> <p>6 management personnel. What was he</p> <p>7 talking about there?</p> <p>8 A. I don't recall.</p> <p>9 Q. And he suggested that you</p> <p>10 enroll in college; is that right?</p> <p>11 A. I -- that's what it says</p> <p>12 here.</p> <p>13 Q. Did you ever enroll in</p> <p>14 college?</p> <p>15 A. I took online courses.</p> <p>16 Q. What courses -- oh, you</p> <p>17 didn't mention that to me in your post-</p> <p>18 high school education. What online</p> <p>19 courses did you take?</p> <p>20 A. Computers.</p> <p>21 Q. What university were you</p> <p>22 online with?</p> <p>23 A. I -- I don't recall.</p>	<p>1 you told me Joe Webers was the COR;</p> <p>2 correct?</p> <p>3 A. At one time, he was.</p> <p>4 Q. And who is Ron -- who was --</p> <p>5 do you know a man named Ron Matthews?</p> <p>6 A. Yes.</p> <p>7 Q. And what's his position?</p> <p>8 A. I don't know what it is at</p> <p>9 this point. At the time that -- he</p> <p>10 wasn't affiliated with the contract when</p> <p>11 I left.</p> <p>12 Q. In 2000, what did you know</p> <p>13 Ron -- what was Ron Matthews?</p> <p>14 A. Range division chief.</p> <p>15 Q. With Fort Rucker? He was</p> <p>16 employed with the Army?</p> <p>17 A. I -- he's civil service, I</p> <p>18 believe.</p> <p>19 Q. And Mr. Leyh in 2000, what</p> <p>20 was his position?</p> <p>21 A. He was QA, quality assurance,</p> <p>22 I believe.</p> <p>23 Q. With Honeywell or with the</p>

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## FREEDOM COURT REPORTING

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1 Army?  
 2 A. In what year?  
 3 Q. In 2000?  
 4 A. Honey -- or government.  
 5 Q. I'm going to show you a  
 6 series of e-mails between Mr. Hodges, Mr.  
 7 Webers, Mr. Leyh regarding an incident  
 8 involving you. Do you recall in 2000  
 9 sitting in your truck and Mr. Leyh  
 10 approached you with Mr. Murphy?  
 11 A. Yes.  
 12 Q. Who is Mr. Murphy?  
 13 A. He was an employee of  
 14 Honeywell's.  
 15 Q. What was his job?  
 16 A. He was the deputy program  
 17 manager.  
 18 Q. And they were -- it states --  
 19 it appears that they were -- Mr. Leyh  
 20 wrote this memo to Mr. Matthews and  
 21 states that: On the 28th of September at  
 22 around 9:30 while they were conducting a  
 23 quality assurance inspection, he observed

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1 you asleep in your vehicle. Do you  
 2 recall this?  
 3 A. I recall the incident.  
 4 Q. And that your head was tilted  
 5 back against the headrest of the car and  
 6 that you jerked your head as if you were  
 7 awakened. Do you remember that?  
 8 A. I don't recall this document  
 9 here.  
 10 Q. No, but do you recall this  
 11 incident?  
 12 A. I don't recall it as he --  
 13 you're stating it.  
 14 Q. Are you saying you weren't  
 15 asleep?  
 16 A. That's right.  
 17 Q. But you were fired from  
 18 Humana for sleeping on the job?  
 19 A. And what does that have to do  
 20 with this?  
 21 Q. Were you fired from Humana --  
 22 MR. BENNITT: Just answer the  
 23 question.

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1 Q. -- for sleeping on the job?  
 2 A. Yes.  
 3 Q. What does it have to do with  
 4 it? And you were also written up by  
 5 Enterprise Nursing Home for sleeping on  
 6 the job; correct?  
 7 A. That's right.  
 8 MR. BENNITT: Just answer the  
 9 questions. Go ahead. I'm sorry. I  
 10 didn't mean to interrupt. What number  
 11 was this, by the way?  
 12 THE WITNESS: No. 29.  
 13 Q. Do you remember Mr. Leyh  
 14 saying that unless your paperwork was on  
 15 the ceiling of your cab he couldn't see  
 16 how you were reviewing paperwork?  
 17 A. Yes, I recall that.  
 18 Q. And what did you say to him?  
 19 What did you say in response?  
 20 A. I don't recall.  
 21 Q. So the Army does go along  
 22 with Honeywell to check up on employees,  
 23 see how things are going; is that

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1 correct?  
 2 A. Incorrect.  
 3 Q. So what was Mr. Leyh doing  
 4 with Mr. -- with Mr. Murphy?  
 5 A. He was doing an inspection.  
 6 Q. What's wrong with what I just  
 7 said? What is the difference between  
 8 that?  
 9 A. He wasn't there to inspect on  
 10 me. He was there to inspect on the  
 11 equipment.  
 12 Q. Did you ask him why he was  
 13 there inspecting?  
 14 A. That's not my job.  
 15 Q. So you are not sure what he  
 16 was doing there?  
 17 A. Yes, I am.  
 18 Q. Do you know if Mr. Erickson  
 19 and Mr. Leyh have performed quality  
 20 control inspections before --  
 21 A. Yes.  
 22 Q. -- together?  
 23 A. Yes.

32 (Pages 125 to 128)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 129</p> <p>1 Q. Do you know if they were just 2 looking at equipment? 3 A. They were looking at -- they 4 were inspecting the -- the general 5 grounds. 6 Q. Do you know if they were also 7 looking to see if the employees were 8 doing what they were supposed to be 9 doing? 10 A. No, I don't know that. 11 Q. You were later called by Mr. 12 Hodges to report to his office after this 13 incident? 14 A. That's correct. 15 Q. And before you got to Mr. 16 Hodges' office, you ran into Mr. Murphy 17 and Mr. Leyh? 18 A. That's correct. 19 Q. And you asked them if you 20 were being called into Mr. Hodges' office 21 because of the accusations that were 22 being made against you about sleeping; is 23 that correct?</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. Mr. Leyh is not with 2 Honeywell; correct? 3 A. No. 4 Q. And Mr. Murphy -- okay. The 5 e-mail reads: Mr. Murphy informed Mr. 6 Young that he had not yet briefed Mr. 7 Hodges on the incident. Before Mr. 8 Murphy could finish this sentence, Mr. 9 Young replied by saying: I don't know 10 how you could know my eyes were closed 11 when I was wearing glasses. Since Mr. 12 Young's comments appeared to be directed 13 at Mr. Murphy, as well as myself, I 14 informed Mr. Young I had made no such 15 statement. Mr. Young continued to talk 16 as he entered his vehicle and departed 17 the HO5L location. From my perspective, 18 Mr. Young chose to confront Mr. Murphy 19 and I in an inappropriate environment and 20 distributed -- displayed behavior that 21 was aggressive, belligerent and 22 confrontational in nature. I did not 23 appreciate Mr. Young inferring I had been</p>
<p style="text-align: right;">Page 130</p> <p>1 A. Incorrect. 2 Q. What did you -- what's 3 incorrect about that? 4 A. I was at Juliette seven, I 5 believe, lifter, and Mr. Leyh and Mr. 6 Murphy was at that same lifter I was, and 7 at the time I received a call, I asked 8 Mr. Murphy if that was in reference to 9 the incident that occurred ten minutes 10 earlier. 11 Q. And he said it was -- 12 A. Yes. 13 Q. -- with regard to that? And 14 then what did you say next? 15 A. I believe I said I'm -- I 16 don't recall exactly what I said. 17 Q. Well, this memo says that you 18 said: Y'all have been after me for the 19 last year. Do you recall saying that? 20 A. Yes, I said that. 21 Q. And who is y'all there, Mr. 22 Murphy and Mr. Leyh? 23 A. Honeywell.</p>	<p style="text-align: right;">Page 132</p> <p>1 after him for the last year since this is 2 the first time -- first instance that I 3 have directly observed during an 4 inspection involving Mr. Young. So Mr. 5 Leyh believed that your remark was 6 directed at him? 7 A. My conversation with Mr. -- 8 was with Mr. Murphy. 9 Q. Mr. Leyh was standing right 10 there? 11 A. He was in the -- probably 12 fifteen feet away. 13 Q. And so he wrote a e-mail 14 memorializing this to Mr. Matthews, who 15 is an employee of Honeywell; correct? 16 A. Incorrect. 17 Q. Mr. Matthews is an employee 18 of the Army? 19 A. Yes. 20 Q. And then Mr. Matthews wrote 21 -- sent that -- forwarded that e-mail to 22 Joe Webers; is that correct? 23 A. I -- I -- whatever direction</p>

33 (Pages 129 to 132)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 133</p> <p>1 it went.</p> <p>2 Q. Does that -- is that what it</p> <p>3 says on the -- on this document?</p> <p>4 A. Where are you at on it? I</p> <p>5 wasn't following it.</p> <p>6 Q. Well, it appears that Mr.</p> <p>7 Matthews sent this to Joe Webers stating:</p> <p>8 Need you to get this to Jimmy at your</p> <p>9 earliest. Am sure he will evaluate the</p> <p>10 merits and then initiate appropriate</p> <p>11 measures, if needed. However, sleeping</p> <p>12 or not, we don't need an associate giving</p> <p>13 the appearance of grinding an internal</p> <p>14 axe in our presence.</p> <p>15 A. Um-hum (positive response).</p> <p>16 Where was this -- where are you at?</p> <p>17 Q. Front page, Mr. Young. Now,</p> <p>18 these are all Army personnel, correct,</p> <p>19 that have written this so far?</p> <p>20 A. Okay.</p> <p>21 Q. So is the Army after you</p> <p>22 also?</p> <p>23 A. Well, yes.</p>	<p style="text-align: right;">Page 135</p> <p>1 your findings and final disposition.</p> <p>2 Were you aware that the Army wanted you</p> <p>3 out of Honeywell?</p> <p>4 A. Was I aware of it?</p> <p>5 Q. Yes.</p> <p>6 A. I had suspicions.</p> <p>7 Q. But Mr. Hodges never</p> <p>8 terminated you, did he?</p> <p>9 A. Mr. Hodges didn't terminate</p> <p>10 me. No, he didn't. Mr. Erickson did.</p> <p>11 Q. But you were aware that the</p> <p>12 Army was pressuring Mr. Hodges to</p> <p>13 terminate you; correct?</p> <p>14 A. I see it now.</p> <p>15 Q. And so -- but you are you</p> <p>16 still maintaining that Mr. Hodges was</p> <p>17 somehow racist?</p> <p>18 A. Yes.</p> <p>19 Q. And what do you base that on?</p> <p>20 A. I stated it at the beginning</p> <p>21 of my interview.</p> <p>22 Q. But then you said you didn't</p> <p>23 understand the context. Any other -- any</p>
<p style="text-align: right;">Page 134</p> <p>1 Q. Okay. So --</p> <p>2 A. According --</p> <p>3 Q. -- the Army is after you and</p> <p>4 Honeywell is after you?</p> <p>5 A. I -- I -- I -- I mean, it is</p> <p>6 what it is. You tell me.</p> <p>7 Q. No. I'm asking you?</p> <p>8 A. I don't know. I don't know.</p> <p>9 Q. Well, I believe you just said</p> <p>10 yes. Why would the Army be after you?</p> <p>11 A. I don't know. I --</p> <p>12 Q. Are you saying the Army is</p> <p>13 racist also?</p> <p>14 A. No, I didn't say that. I</p> <p>15 didn't say that.</p> <p>16 Q. Okay.</p> <p>17 A. I -- I --</p> <p>18 Q. So this was forwarded from</p> <p>19 Mr. Webers to Mr. Hodges; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And it says: Forwarded for</p> <p>22 your information and action as</p> <p>23 appropriate. Request you advise us of</p>	<p style="text-align: right;">Page 136</p> <p>1 other evidence?</p> <p>2 A. No. That's what I -- that's</p> <p>3 the reason.</p> <p>4 Q. Are you maintaining that the</p> <p>5 Army was racist towards you?</p> <p>6 A. I'm maintaining what I see</p> <p>7 here is that they pressured and used</p> <p>8 tactics to try to get me out of Honeywell</p> <p>9 when it's against government policy,</p> <p>10 so --</p> <p>11 Q. What's against government</p> <p>12 policy?</p> <p>13 A. For government to interfere</p> <p>14 with contractor's business.</p> <p>15 Q. The government has every</p> <p>16 right to --</p> <p>17 A. No, they don't.</p> <p>18 Q. -- report wrongdoing, do they</p> <p>19 not?</p> <p>20 A. No, they don't.</p> <p>21 Q. Cite me to any document that</p> <p>22 says they don't have a right to report to</p> <p>23 Honeywell your performance on their</p>

34 (Pages 133 to 136)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 137</p> <p>1 property?</p> <p>2 A. I don't work for them; I work</p> <p>3 for Honeywell.</p> <p>4 Q. So cite to me where they</p> <p>5 cannot report your performance to</p> <p>6 Honeywell?</p> <p>7 A. I can't cite that.</p> <p>8 Q. Okay.</p> <p>9 A. But they will answer to that.</p> <p>10 MR. BENNITT: Wait a minute</p> <p>11 now. You -- you've got to wait for a</p> <p>12 question.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. BENNITT: If there's not</p> <p>15 a question on the floor, you don't give</p> <p>16 an answer. You don't talk. Do you need</p> <p>17 to go take a break?</p> <p>18 THE WITNESS: Yes.</p> <p>19</p> <p>20 (Lunch recess.)</p> <p>21</p> <p>22 Q. (By Ms. Reiss) Mr. Young,</p> <p>23 are you ready?</p>	<p style="text-align: right;">Page 139</p> <p>1 with Honeywell employees in the presence</p> <p>2 of customer personnel?</p> <p>3 A. That's correct.</p> <p>4 Q. So the government is</p> <p>5 Honeywell's customer in this instance;</p> <p>6 right?</p> <p>7 A. That's correct.</p> <p>8 Q. He didn't actually write you</p> <p>9 up for this, did he?</p> <p>10 A. No, he did not.</p> <p>11</p> <p>12 (Whereupon, Defendant's Exhibit No. 31</p> <p>13 was marked for identification, and same</p> <p>14 is attached hereto.)</p> <p>15</p> <p>16 Q. I'll show you what we're</p> <p>17 going to mark as Exhibit No. 31. This is</p> <p>18 also the year 2000. Do you recall</p> <p>19 getting this memo?</p> <p>20 A. Yes, I recall this.</p> <p>21 Q. Did you have any disagreement</p> <p>22 with this memo?</p> <p>23 A. This memo? That's what it</p>
<p style="text-align: right;">Page 138</p> <p>1 A. I'm ready.</p> <p>2 Q. You understand that if -- you</p> <p>3 are under penalty of perjury in this</p> <p>4 testimony; correct?</p> <p>5 A. That's correct.</p> <p>6 Q. We were back on the sleeping</p> <p>7 incident. I want to show you a memo that</p> <p>8 Mr. Hodges wrote to you and ask you about</p> <p>9 this. It's Exhibit No. 30. Have you</p> <p>10 seen this memo before?</p> <p>11</p> <p>12 (Whereupon, Defendant's Exhibit No. 30</p> <p>13 was marked for identification, and same</p> <p>14 is attached hereto.)</p> <p>15</p> <p>16 A. Yes, I have.</p> <p>17 Q. Now, he reminds you that if</p> <p>18 you are found sleeping on the job that it</p> <p>19 means immediate discharge from Honeywell;</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And that he -- he suggests</p> <p>23 that you not engage in any conversations</p>	<p style="text-align: right;">Page 140</p> <p>1 was was a memo.</p> <p>2 Q. Yeah. Did you disagree with</p> <p>3 it at all?</p> <p>4 A. Yes.</p> <p>5 Q. Did you call Lisa Evans, the</p> <p>6 HR generalist, about it?</p> <p>7 A. I don't recall that one.</p> <p>8 Q. What do you disagree with</p> <p>9 about the memo?</p> <p>10 A. I -- I wasn't counseled on</p> <p>11 this as far as a right -- the incident</p> <p>12 occurred, but it wasn't a write-up.</p> <p>13 Q. I asked you what you</p> <p>14 disagreed with about the memo?</p> <p>15 A. I don't disagree with the</p> <p>16 memo.</p> <p>17 Q. And Mr. Hodges explains here</p> <p>18 that not following lockout/tagout</p> <p>19 procedures can be considered</p> <p>20 insubordination; correct?</p> <p>21 A. That's what it states.</p> <p>22 Q. Okay.</p> <p>23 A. Can be.</p>

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<p style="text-align: right;">Page 141</p> <p>1 Q. Well, actually, I believe I 2 was a little more liberal. It says is 3 considered insubordination, isn't that 4 what the document says? 5 A. Yes. 6 Q. Now, do you recall when you 7 backed your truck into a trailer? 8 A. No. 9 Q. You don't remember? 10 A. I didn't back the truck into 11 the trailer. It jackknifed. 12 Q. Did your truck hit a trailer? 13 A. There was damage to my truck, 14 yes. 15 16 (Whereupon, Defendant's Exhibit No. 32 17 was marked for identification, and same 18 is attached hereto.) 19 20 Q. Did you write the statement 21 at the bottom where it says: Give a 22 complete description of the incident. 23 Did you write that description?</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. Is that not what I originally 2 asked you? 3 A. I don't -- 4 Q. Was this a -- could this -- 5 would this have been a terminable 6 offense? 7 A. No. 8 Q. Why do you say it would not 9 have been a terminable offense? 10 A. I was not told that if I had 11 an accident that I would be terminated, 12 if that's what you are asking. 13 Q. But you are basically 14 admitting that this was due to your 15 carelessness; correct? 16 A. It was an accident. 17 Q. Due to your carelessness; 18 correct? You -- you weren't looking to 19 see what was behind your truck? 20 A. It was an accident. 21 Q. Was it due to -- 22 A. I can't say if it -- 23 Q. -- your carelessness?</p>
<p style="text-align: right;">Page 142</p> <p>1 A. Yes, I wrote that. 2 Q. And you wrote: I was 3 instructed to go to the golf mover to 4 check the electrical status of the 5 mover. After finding the status, I began 6 to give my report to my crew chief over 7 the two-way radio while backing up my 8 truck. I failed to notice the small 9 trailer with the gen -- the -- 10 MR. BENNITT: Generator. 11 MS. REISS: Generstoe it 12 looks like. 13 MR. BENNITT: Oh, sorry. 14 MS. REISS: Or generator. 15 You are right. 16 Q. Attached to my truck. The 17 trailer jackknifed into the right rear of 18 the quarter-panel, causing a large dent 19 and breaking the taillight out of the 20 truck. I then stopped the truck. So 21 your carelessness, you hit -- you hit 22 something with your truck? 23 A. Yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 A. I'm not saying it was due to 2 my carelessness. 3 Q. You say: I failed to notice 4 the small trailer. Those are your words; 5 correct? 6 A. That's right. 7 Q. You were not terminated for 8 this; correct? 9 A. That's correct. 10 Q. Have you ever seen the 11 statement by Mr. Lavar regarding this 12 incident? 13 A. No. Okay. 14 15 (Whereupon, Defendant's Exhibit No. 33 16 was marked for identification, and same 17 is attached hereto.) 18 19 Q. Okay. It was Mr. Lavar's 20 impression that the incident could have 21 been avoided; is that correct? 22 A. I -- he didn't discuss it 23 with me.</p>

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<p>1 Q. Does it state that on the 2 document?</p> <p>3 A. The statement is what it is.</p> <p>4 Q. Was it Mr. Lavar's impression 5 that the accident could have been 6 avoided?</p> <p>7 A. He states that it could have 8 been avoided.</p> <p>9 Q. Now, do you believe that Mr. 10 Lavar is out -- Lavar is you to get you 11 also?</p> <p>12 A. I never stated that.</p> <p>13 Q. Even though he -- he -- he 14 believes you could have avoided this 15 accident, you don't think he's out to get 16 you?</p> <p>17 A. I think I've answered that.</p> <p>18 MR. BENNITT: Just answer the 19 question.</p> <p>20 THE WITNESS: I did.</p> <p>21 Q. Okay. As the operator of a 22 -- of the vehicle you are assigned, you 23 do the preventive maintenance check on it</p>	<p>1 operate it, you should have a PMCS sheet.</p> <p>2 Q. And your testimony is that 3 you don't have to perform -- you don't 4 have to fill out a PMCS sheet after -- at 5 the end of the day?</p> <p>6 A. We haven't filled them out. 7 Whether we are supposed to or not, I -- 8 we don't fill them out. What we fill out 9 at the end of the day on my truck is 10 mileage and at the end of that day we 11 turn the sheet in.</p> <p>12 13 (Whereupon, Defendant's Exhibit No. 34 14 was marked for identification, and same 15 is attached hereto.)</p> <p>16 17 Q. Let me show you what I'm 18 going to mark as Exhibit No. 34 and ask 19 if you -- is this the original handbook 20 you received where you signed that 21 acknowledgement?</p> <p>22 A. Yes, this is the -- the 23 original.</p>
Page 146	Page 148
<p>1 each day?</p> <p>2 A. That's right.</p> <p>3 Q. So your -- okay. What's a 4 preventive maintenance check? Tell me 5 what that is.</p> <p>6 A. It's a checklist of the truck 7 prior to pre-op, pre -- pre-operation.</p> <p>8 Q. Do you do it at the end of 9 the day also?</p> <p>10 A. No.</p> <p>11 Q. Are you supposed to have 12 those -- what are those forms called?</p> <p>13 A. PMCS sheets.</p> <p>14 Q. PMCS sheets?</p> <p>15 A. Um-hum (positive response).</p> <p>16 Q. Okay. And you are supposed 17 to have those forms in your possession at 18 all times?</p> <p>19 A. No, not in my possession at 20 all times.</p> <p>21 Q. When you are in the truck?</p> <p>22 A. Well, if you are going to 23 operate a piece of equipment, before you</p>	<p>1 Q. Okay.</p> <p>2 A. I'm not going to say this is 3 the original, no. This isn't the one I 4 signed when I -- I'm really not sure 5 because that was eight years ago. It 6 could be.</p> <p>7 Q. Is there anything in here 8 that makes you think it wasn't the one 9 you received?</p> <p>10 A. It was a long time ago. It 11 was eight years ago. I can't -- I don't 12 recall.</p> <p>13 Q. Now, the cost of the 14 accident, did that money come out of the 15 contract?</p> <p>16 A. I have no idea.</p> <p>17 Q. You don't have any idea where 18 the money came from to pay for that, but 19 in your complaint your -- you assert that 20 Honey -- that money came out of 21 Honeywell's contract due to a hey 22 incident; is that correct?</p> <p>23 A. Due to a what?</p>

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<p style="text-align: right;">Page 149</p> <p>1 Q. An -- let me see. I'm 2 looking at -- 3 MR. BENNITT: I've got it. 4 I'll get it for him. I'll show it to 5 him. 6 MS. REISS: Okay. Page 7 four. 8 MR. BENNITT: Start with 9 prior. 10 THE WITNESS: Right here? 11 MR. BENNITT: Yeah. 12 Q. Yes. Prior to this March 13 3rd, 2005 paragraph. You state that 14 several white employees were involved in 15 improper accountability of hey which 16 resulted in the government fined them 17 monies lost from the fee awards. That's 18 how I'm reading it. 19 A. Yes. Yes. Yes. 20 Q. How do you know that the 21 government fined Honeywell for that? 22 A. Because they document when 23 there's award fee deductions on the</p>	<p style="text-align: right;">Page 151</p> <p>1 or -- 2 A. I don't recall. 3 Q. Because, in fact, Honeywell 4 was not fined for this incident? 5 MR. BENNITT: You've got to 6 let her finish her question. Okay? 7 Sorry. 8 Q. You weren't terminated when 9 you caused damage to a truck, were you? 10 A. No, I wasn't. 11 Q. So why are you upset that 12 none of these white men were terminated 13 when there was improper accountability 14 for hey? 15 A. I was terminated for 16 inaccountability of two mannequins that 17 were supposedly unaccounted for. 18 Q. Are you sure that's why you 19 were terminated? 20 A. That's what I was told. 21 Q. Who told you that? 22 A. Mr. Garrison or -- yeah, 23 Garrett, Jim Garrett.</p>
<p style="text-align: right;">Page 150</p> <p>1 evaluation, and we had to do a -- what's 2 it called? We had to do an evaluation to 3 correct the issue is the reason why we 4 really know. 5 Q. But how do you know that the 6 government fined Honeywell money for 7 this? 8 A. Mr. Erickson told us that it 9 was that way. 10 Q. When was that? 11 A. During a meeting. 12 Q. Did he say it could result in 13 a fine or that Honeywell was fined? 14 A. Honeywell was fined, and it 15 is documented that he gives out -- they 16 give out evaluation sheets. 17 Q. Have you seen where it's 18 documented? 19 A. Yes, I've seen it before. 20 Q. On what kind of sheet? 21 A. It was -- Mr. Temple had 22 showed it to me. 23 Q. Did the sheet have a number</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Are the gunnery ranges 2 dangerous places to work? 3 A. Anywhere is dangerous to work 4 if you are not alert. 5 MR. BENNITT: No. No. No. 6 Just answer the question. 7 MS. REISS: Okay. That's -- 8 no. That's perfect. He answered. 9 MR. BENNITT: Okay. 10 MS. REISS: That's great. 11 MR. BENNITT: I'm sorry. I 12 didn't mean to interrupt. 13 Q. So if you are asleep on a 14 gunnery range, that's pretty dangerous? 15 A. If the range is hot and you 16 are down range and they are shooting upon 17 you, yes, it is. 18 Q. Well, if you are asleep and 19 then the range goes hot, that could also 20 be dangerous; correct? 21 A. If you are. 22 Q. Are you aware if Mr. Lavar 23 thought you should have been terminated</p>

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<p style="text-align: right;">Page 153</p> <p>1 for the -- the truck accident?</p> <p>2 A. No.</p> <p>3 Q. You are not aware?</p> <p>4 A. No, I am not.</p> <p>5</p> <p>6 (Whereupon, Defendant's Exhibit No. 35</p> <p>7 was marked for identification, and same</p> <p>8 is attached hereto.)</p> <p>9</p> <p>10 Q. I will show you your</p> <p>11 evaluation, Exhibit No. 35, for the year</p> <p>12 2003. When did Mr. Erickson become the</p> <p>13 project manager; do you recall?</p> <p>14 A. No, I don't.</p> <p>15 Q. Did he follow Mr. Hodges?</p> <p>16 A. No, he did not.</p> <p>17 Q. Who was between Mr. Hodges?</p> <p>18 A. Roger Singletary.</p> <p>19 Q. Was Mr. Singletary asked to</p> <p>20 leave?</p> <p>21 A. I don't know the stipulations</p> <p>22 of his -- his exit.</p> <p>23</p>	<p style="text-align: right;">Page 155</p> <p>1 Q. Were you close friends with</p> <p>2 anyone you worked with, Mr. Young?</p> <p>3 A. Yes.</p> <p>4 Q. Who?</p> <p>5 A. At the time, I was -- Calvin,</p> <p>6 the ground section, Jimmy Hines. Let's</p> <p>7 see. Who else is still out there?</p> <p>8 Q. Or anyone, even if they are</p> <p>9 there or not there. I just want to know</p> <p>10 anyone you were close to at the site?</p> <p>11 A. Chris, I was -- we -- we</p> <p>12 talked. I mean, I'm not -- I don't know</p> <p>13 what you would classify as close. As --</p> <p>14 as far as co-workers --</p> <p>15 Q. Okay.</p> <p>16 A. -- I spoke with all of them.</p> <p>17 Q. And you are talking about</p> <p>18 Chris Hines?</p> <p>19 A. I -- I spoke with him. I</p> <p>20 mean, I wasn't close, but I -- I -- I</p> <p>21 talked to him.</p> <p>22 Q. Were -- well, I thought you</p> <p>23 just said he was a friend of yours?</p>
<p style="text-align: right;">Page 154</p> <p>1 (Off-the-record discussion.)</p> <p>2</p> <p>3 Q. Tell me when you've had a</p> <p>4 chance to review the document.</p> <p>5 A. I reviewed it.</p> <p>6 Q. Did you agree with this</p> <p>7 evaluation?</p> <p>8 A. Yes.</p> <p>9 Q. And Mr. Erickson encouraged</p> <p>10 you to develop your electrician skills;</p> <p>11 is that correct?</p> <p>12 A. Encouraged?</p> <p>13 Q. He said it was a</p> <p>14 developmental need?</p> <p>15 A. That's what he stated.</p> <p>16 Q. And he also thought it was a</p> <p>17 developmental need for you to strengthen</p> <p>18 knowledge in the computers and in</p> <p>19 communication skills?</p> <p>20 A. Correct.</p> <p>21 Q. Did y'all discuss your need</p> <p>22 to develop your communication skills?</p> <p>23 A. No.</p>	<p style="text-align: right;">Page 156</p> <p>1 A. No, not friend. He was a</p> <p>2 co-worker of mine.</p> <p>3 Q. Were there any co-workers of</p> <p>4 yours that you would consider friends?</p> <p>5 A. I would consider Calvin my</p> <p>6 friend. I would consider the -- I forgot</p> <p>7 his name, he was a short stay.</p> <p>8 Q. Did you review your complaint</p> <p>9 before it was filed?</p> <p>10 A. Yes.</p> <p>11 Q. How do you know that Jerry</p> <p>12 Temple was involved in the decision to</p> <p>13 terminate you?</p> <p>14 A. He was my supervisor.</p> <p>15 Q. So that's all you are basing</p> <p>16 that on?</p> <p>17 A. He was my supervisor and he's</p> <p>18 -- he wanted me out of there.</p> <p>19 Q. Did he ever tell you he</p> <p>20 wanted you out of there?</p> <p>21 A. Yes, he did.</p> <p>22 Q. When did he say that?</p> <p>23 A. He and I were having a</p>

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<p style="text-align: right;">Page 157</p> <p>1 discussion one day and he said that he 2 was going to get me terminated. 3 <b>Q. What was the discussion?</b> 4 A. It was in regards to someone 5 stating -- ground section stating that I 6 wasn't doing my work and I said, if I'm 7 not doing my work then someone needs to 8 tell me. If -- if that's the case, then 9 you need to terminate me. He says, okay, 10 I'll have you terminated. 11 <b>Q. Were y'all in the heat of --</b> 12 <b>y'all were not just discussing, y'all</b> 13 <b>were arguing with each other; correct?</b> 14 A. I was in a discussion with 15 him. 16 <b>Q. Were you not arguing with Mr.</b> 17 <b>Temple?</b> 18 A. No, it -- it wasn't an 19 argument. It was a statement he had 20 made. 21 <b>Q. Is that the same day that you</b> 22 <b>were out -- out in the range yelling at</b> 23 <b>some of the grounds crew?</b></p>	<p style="text-align: right;">Page 159</p> <p>1 A. Do I know? 2 <b>Q. Yes.</b> 3 A. I know that he had me 4 terminated. 5 <b>Q. Does he have the power to</b> 6 <b>hire and --</b> 7 A. I don't know that. 8 <b>Q. Do you even know if he was</b> 9 <b>consulted in the decision to terminate</b> 10 <b>you?</b> 11 A. Do I know? Yeah -- I wasn't 12 there when the consulting was going on. 13 <b>Q. Do you know who recommended</b> 14 <b>your termination?</b> 15 A. No, I don't. 16 <b>Q. How do you know that Chris</b> 17 <b>Hines is related to Jerry Temple, because</b> 18 <b>based on my knowledge, they are not</b> 19 <b>related at all?</b> 20 A. Chris Hines is engaged to 21 Jerry Temple's wife's niece. 22 <b>Q. So they are not related?</b> 23 A. Biologically, no.</p>
<p style="text-align: right;">Page 158</p> <p>1 A. I wasn't yelling at the 2 grounds crew. 3 <b>Q. Didn't you stop work for</b> 4 <b>about thirty minutes on your tirade?</b> 5 A. On my what? 6 <b>Q. Your tirade to the grounds</b> 7 <b>crew?</b> 8 A. What's a tirade? 9 <b>Q. Screaming and yelling?</b> 10 A. Oh, no. I stopped -- I 11 stopped Pat Little and asked him a 12 question and he proceeded to explain to 13 me what he had made -- what statement he 14 had made, Pat Little did. So Pat may 15 have stopped us for about fifteen 16 minutes. 17 <b>Q. So you are now blaming Mr.</b> 18 <b>Little for the --</b> 19 A. No, I'm not blaming him. I'm 20 telling you what happened. 21 <b>Q. Do you know if Mr. Temple</b> 22 <b>even has the power to hire or terminate</b> 23 <b>employees?</b></p>	<p style="text-align: right;">Page 160</p> <p>1 <b>Q. And there -- she's not even</b> 2 <b>-- he's not even married --</b> 3 A. They are engaged. 4 <b>Q. To his wife's what?</b> 5 A. They go to the same family 6 reunion. 7 <b>Q. To his wife's what? What was</b> 8 <b>the relationship?</b> 9 A. I believe it's her niece. 10 <b>Q. So -- but right now they are</b> 11 <b>not even married, but you put in this</b> 12 <b>complaint --</b> 13 A. I don't know. I don't -- 14 <b>Q. -- that they are related?</b> 15 A. If that's what's there, it's 16 what's there. 17 <b>Q. But I asked you if you read</b> 18 <b>the complaint before you filed it?</b> 19 A. And I said if that's what I 20 wrote, that's what's there. 21 <b>Q. But it's incorrect; right?</b> 22 A. No, it's not. 23 <b>Q. They are not married, are</b></p>

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<p style="text-align: right;">Page 161</p> <p>1 they?</p> <p>2 A. You tell me.</p> <p>3 MS. REISS: You need to get</p> <p>4 control of your client.</p> <p>5 MR. BENNITT: Okay.</p> <p>6 MS. REISS: I'm not here to</p> <p>7 be back-talked to.</p> <p>8 MR. BENNITT: Okay. Come</p> <p>9 on. Let's go outside.</p> <p>10 MS. REISS: Although, this is</p> <p>11 consistent with his employment record.</p> <p>12 MR. BENNITT: That -- object</p> <p>13 to form.</p> <p>14</p> <p>15 (Brief recess.)</p> <p>16</p> <p>17 Q. (By Ms. Reiss) Mr. Young,</p> <p>18 when you had this accident with the --</p> <p>19 jackknifed into the trailer, did you</p> <p>20 report it to -- immediately after it</p> <p>21 occurred or did you drive off?</p> <p>22 A. I reported it immediately.</p> <p>23 Q. Who did you report it to?</p>	<p style="text-align: right;">Page 163</p> <p>1 whoever -- whoever made the decision to</p> <p>2 terminate you must have been racist?</p> <p>3 A. Yes.</p> <p>4 Q. And why is that?</p> <p>5 A. That's the way I feel.</p> <p>6 Q. Is it because you were such a</p> <p>7 stellar employee?</p> <p>8 A. No. I'm not perfect. But --</p> <p>9 Q. I'm not asking for</p> <p>10 perfection. I'm asking --</p> <p>11 A. You said stellar. I'm not a</p> <p>12 stellar.</p> <p>13 Q. I believe you wanted to</p> <p>14 compare yourself to Doug Reston; is that</p> <p>15 correct? He's a possible comparator to</p> <p>16 you?</p> <p>17 A. Doug Riston?</p> <p>18 Q. Yes. Doug Riston. Excuse</p> <p>19 me.</p> <p>20 MR. BENNITT: Just -- I'll</p> <p>21 find it, I guess.</p> <p>22 MS. REISS: I believe it's in</p> <p>23 your disclosures.</p>
<p style="text-align: right;">Page 162</p> <p>1 A. I believe I told my</p> <p>2 supervisor, Mr. Temple, and then Thomas</p> <p>3 Lavar was notified, I believe.</p> <p>4 Q. And why was Mr. Lavar</p> <p>5 notified?</p> <p>6 A. I believe he was the</p> <p>7 inspector at the time.</p> <p>8 Q. In paragraph five of your</p> <p>9 complaint where you write about Mr. Hines</p> <p>10 who is related to Jerry Temple, what does</p> <p>11 that have to do with your claims, the</p> <p>12 fact that Mr. Lavar is related to Mr.</p> <p>13 Temple or is not related to Mr. Temple?</p> <p>14 A. My claim is that Mr. Temple</p> <p>15 term -- had me terminated on racial</p> <p>16 issues.</p> <p>17 Q. And if Mr. Temple was not</p> <p>18 involved in your termination at all, you</p> <p>19 would agree that -- that you would not</p> <p>20 have a race claim; correct?</p> <p>21 A. If he was not involved, I</p> <p>22 would say that? No. No, I wouldn't.</p> <p>23 Q. So you are saying that Mr. --</p>	<p style="text-align: right;">Page 164</p> <p>1 MR. BENNITT: It's not in</p> <p>2 here.</p> <p>3 A. Do what?</p> <p>4 Q. Do you compare yourself to</p> <p>5 Doug Riston?</p> <p>6 A. Compare myself to Doug? No,</p> <p>7 I don't compare myself to Doug.</p> <p>8 Q. Okay.</p> <p>9 A. Not as far as his</p> <p>10 accomplishments at Honeywell.</p> <p>11</p> <p>12 (Whereupon, Defendant's Exhibit No. 36</p> <p>13 was marked for identification, and same</p> <p>14 is attached hereto.)</p> <p>15</p> <p>16 Q. I'm going to show you what we</p> <p>17 are going to mark as Exhibit No. 36,</p> <p>18 which was --</p> <p>19 MR. BENNITT: I've got it</p> <p>20 right here.</p> <p>21 MS. REISS: Good. Great.</p> <p>22 And -- no. He can look at the one I</p> <p>23 have, so.</p>

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<p style="text-align: right;">Page 165</p> <p>1 Q. And ask you -- these were the 2 disclosures that your attorney sent to us 3 regarding witnesses who might testify on 4 your behalf. And if you will look on 5 page three or page -- yeah, three, you 6 have Doug Reston, who I'm assuming is 7 supposed to be Riston; is that correct? 8 A. Riston. 9 Q. And you -- and it has 10 possible comparator to Plaintiff, which 11 is you. Is that incorrect? 12 A. Possible comparator in -- in 13 what aspect are you stating -- are you 14 asking? 15 Q. I don't know. Your lawyer 16 wrote it. I didn't. 17 A. We are electronically 18 inclined together as far as that's 19 concerned. But as far as his 20 accomplishments at Honeywell, I don't 21 compare myself to that. But as far -- 22 Q. Do you know if his 23 disciplinary record even comes close to</p>	<p style="text-align: right;">Page 167</p> <p>1 Q. Yes. 2 A. Yes. 3 Q. And he was fired before you? 4 A. Yes. 5 Q. And he's a white male? 6 A. Yes. 7 Q. So he had a shorter tenure at 8 Honeywell than you did? 9 A. Yes. 10 Q. Looking over these 11 disclosures, you -- did you review these 12 disclosures before they were sent out? 13 A. Yes. 14 Q. You note under Jerry Temple: 15 He is a frame carpenter by trade who 16 became Mr. Young's immediate supervisor. 17 What is the relevance of he was a frame 18 carpenter by trade? 19 A. He was less experienced for 20 the job than I was. 21 Q. How long had he been at -- 22 with Honeywell? 23 A. Fifteen years now.</p>
<p style="text-align: right;">Page 166</p> <p>1 yours at Honeywell? 2 A. I -- I would say that Mr. 3 Riston probably has never been 4 disciplined. 5 Q. Now, William Culpepper you 6 also list as a possible comparator. Why 7 do you list William Culpepper? 8 A. William Culpepper? We -- 9 yeah, I see that. William was terminated 10 from Honeywell. 11 Q. Before you? 12 A. Yes. 13 Q. How else is he a comparator 14 to you? 15 A. I can't recall at this 16 moment. 17 Q. He didn't work at -- --at -- 18 how -- he was hired after you at 19 Honeywell; correct? 20 A. Yes. 21 Q. And he was fired before you; 22 correct? 23 A. Hired after me?</p>	<p style="text-align: right;">Page 168</p> <p>1 Q. Do you know what year he was 2 hired? 3 A. No. 4 Q. Had he been there at least 5 five years prior to the time you had been 6 there? 7 A. Yes. 8 Q. Do you know if he received 9 experience on the job? 10 A. I don't know that. 11 Q. Are you saying that you -- 12 you should have been his supervisor? 13 A. What I'm saying is we were 14 given a on-the-job test, myself, Lavar 15 and another co-worker, for the 16 supervisor, slash, electrician job and I 17 scored highest on the test than either -- 18 all of them. I was denied the job. And 19 then six months later Mr. Temple was 20 given the job without testing. 21 Q. When -- when did this occur? 22 A. During Roger Singletary's 23 tenure.</p>

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<p style="text-align: right;">Page 169</p> <p>1 Q. So that would have been pre 2 2002? Mr. Erickson came in 2002. 3 A. Yes. 4 Q. You realize that claim would 5 not be timely in this lawsuit? 6 A. Say again. 7 Q. You realize that claim is not 8 timely in this lawsuit? 9 A. (No response.) 10 Q. Okay. Calvin Flowers you 11 list as a witness. You state: He was 12 passed over for promotion to range tech 13 -- what's his current position at 14 Honeywell? 15 A. Range tech. 16 Q. Okay. And the position was 17 given to Chris Hines. Now, when they -- 18 did they take a test for this position? 19 A. The test was given to them by 20 Doug Riston, which was written up by 21 Doug, yes. 22 Q. And what was Chris' position 23 at the time he took the test?</p>	<p style="text-align: right;">Page 171</p> <p>1 Q. And you state you complained 2 to Mr. Erickson that the test was 3 racially screwed -- screw -- "skeewed", 4 excuse me, racially "skeewed" -- 5 MR. BENNITT: Skewed. 6 MS. REISS: Is that how you 7 spell skewed? 8 MR. BENNITT: I have no 9 idea. 10 MS. REISS: All right. 11 Well -- 12 MR. BENNITT: But it -- it 13 exists somewhere. 14 MS. REISS: Yeah. I think 15 it's -- but that -- well, anyway. 16 Q. What was your -- what was any 17 evidence you had that the test was 18 racially skewed? 19 A. Mr. Hines was a white 20 individual that didn't have the 21 experience that Calvin -- Calvin had 22 forty hours of on-hand experience in the 23 field that was documented on range tech</p>
<p style="text-align: right;">Page 170</p> <p>1 A. I think he was computer 2 operator. 3 Q. Was he working out on the 4 ranges? 5 A. He was computer operator. 6 Q. What does that mean? 7 A. It means he operated 8 computers for the ranges. 9 Q. And at that same time, Mr. 10 Flowers was a laborer; correct? 11 A. Yes. 12 Q. So Mr. Hines scored higher on 13 the test than Mr. Flowers; is that 14 correct? 15 A. Yes. 16 Q. Okay. 17 A. But he was given the job. 18 Q. Mr. -- yeah. Mr. Hines, who 19 scored higher -- 20 A. Because he scored higher. 21 Q. -- was given the job; 22 correct? 23 A. Right. Right.</p>	<p style="text-align: right;">Page 172</p> <p>1 work. Okay? And as it progressed, he 2 scored higher on the computer test. The 3 test wasn't geared around the range work, 4 which that's what the job was. So they 5 made the test up to cater to Mr. Hines' 6 strong points. And the reason I know 7 this is because I was in on the interview 8 when the test was given. 9 Q. How does that mean the test 10 is racially skewed? 11 A. Because they gave it to the 12 white man. 13 Q. So if the white guy scores 14 higher that means the test is racially 15 skewed? 16 A. Okay. Yes. 17 Q. So every test you've ever 18 taken that a white person has made a 19 higher score than you, that means the 20 test is racially skewed? 21 A. No, I don't mean it's 22 racially skewed every time. 23 Q. Well --</p>

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<p style="text-align: right;">Page 173</p> <p>1 A. But this particular 2 situation, it was. 3 Q. And I'm asking you: What 4 basis do you -- do you understand what 5 the term racially skewed means for a 6 test? They both took the same test; 7 correct? 8 A. They took the same test, but 9 their qualifications were not equally the 10 same and they gave it to him only because 11 -- I mean, he -- Calvin was qualified for 12 the job as far as hands-on knowing the 13 job. He -- the -- the job as far as 14 range tech, they geared it up for a 15 computer which was for Chris Hines. 16 Q. Are you saying Mr. Hines was 17 not qualified for the job? 18 A. At the time, no. 19 Q. And that -- who made the 20 decision on this job? 21 A. Mr. Erickson. 22 Q. On this description it says: 23 Haynes later given Curley's job after</p>	<p style="text-align: right;">Page 175</p> <p>1 range tech; correct? 2 A. He was an aerial gunnery 3 range tech. 4 Q. Had he not worked on all the 5 ranges like yourself? 6 A. So had Calvin. 7 Q. So you admit that he was 8 doing the same job you were at the time 9 you left? 10 A. Not the same job, but we had 11 the same title. 12 Q. And he worked on all the 13 ranges like you had? 14 A. Not all the ranges. Or he 15 had, is that what you are saying? 16 Q. Yes. 17 A. Yes, he had. 18 Q. And you say you went and 19 complained to Mr. Erickson that -- about 20 Mr. Flowers not getting the job? 21 A. Yes. 22 Q. Is that correct? 23 A. Yes.</p>
<p style="text-align: right;">Page 174</p> <p>1 Curley fired. Who is Haynes? 2 A. It's Hines. Chris Hines. 3 Q. Did you read this before it 4 was submitted? 5 A. Yes. 6 Q. And you didn't catch that? 7 You have Hines, Haynes. I thought that 8 was a different person? 9 A. It's not. That's Chris 10 Hines. 11 Q. Now, Mr. Hines was already 12 working as a range tech at the time you 13 were terminated; correct? 14 A. Yes. 15 Q. And who was going to fill in 16 for your ranges after you left? Who do 17 you think they should have filled your 18 job with? 19 A. I feel that a test should 20 have been given in-house like I was given 21 every time I had to apply for a job 22 in-house and -- 23 Q. But Mr. Hines was already a</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. And what -- how -- what did 2 -- what did you say? 3 A. Getting -- I basically told 4 him that he should have got the job over 5 Chris Hines. I just voiced my opinion. 6 Q. And then what did Mr. 7 Erickson say? 8 A. He said -- he basically told 9 me he wasn't wanting to hear it. He told 10 me to get out of his office. 11 Q. He told you to get out of his 12 office? 13 A. Yeah. He's told me that 14 several times. 15 Q. Was there any witness to 16 this? 17 A. No. 18 Q. Now, it's my understanding 19 that Mr. Flowers, he was hired on as a 20 laborer and then he left for a time to go 21 work in the prison system? 22 A. He was laid off. 23 Q. But did he not voluntarily</p>

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<p>1 quit one time and then come back?</p> <p>2 A. No.</p> <p>3 Q. Are you sure?</p> <p>4 A. Yes.</p> <p>5 Q. Have you seen his personnel</p> <p>6 file?</p> <p>7 A. No. But during the time that</p> <p>8 this incident happened, we were in the</p> <p>9 middle of a contract changeover. There</p> <p>10 was five people laid off from our job.</p> <p>11 It was Dickey Gill, Calvin Flowers.</p> <p>12 There was Angie Bowman. Okay. They were</p> <p>13 all laid off due to the contract</p> <p>14 changeover. Upon we getting awarded the</p> <p>15 contract, we were all brought back in.</p> <p>16 The -- the ones that were there kept</p> <p>17 their jobs. Those that were laid off,</p> <p>18 they were supposed to be the first hired</p> <p>19 back. We hire back into those slots.</p> <p>20 Angie was hired back. It's supposed to</p> <p>21 be first come first -- Calvin should have</p> <p>22 been the first one hired back. He wasn't</p> <p>23 originally hired back. And all the rest</p>	<p>1 Q. So at that point in time Mr.</p> <p>2 Erickson didn't say get out of my office?</p> <p>3 A. No.</p> <p>4 Q. Who sits outside of Mr.</p> <p>5 Erickson's office?</p> <p>6 A. His secretary, I guess.</p> <p>7 Q. And who was his secretary at</p> <p>8 the time you left?</p> <p>9 A. Debbie Wood.</p> <p>10 Q. You don't remember a separate</p> <p>11 time that Calvin voluntarily quit to go</p> <p>12 work in the prison system and came back?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Yes.</p> <p>16 Q. And you don't think his</p> <p>17 coming and going and his tenure with the</p> <p>18 company would not have affected his</p> <p>19 ability to pass that test?</p> <p>20 A. No.</p> <p>21 Q. But that's just your opinion;</p> <p>22 correct?</p> <p>23 A. That's my opinion.</p>
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<p>1 of them were either offered a job or</p> <p>2 hired back. Calvin never was hired back</p> <p>3 during that time. Mr. Erickson came in</p> <p>4 in the middle of all of this. He -- I</p> <p>5 went -- they -- they kept interviewing</p> <p>6 and Calvin was never -- was never called</p> <p>7 back.</p> <p>8 Calvin kept calling me at night</p> <p>9 wanting to know, you know, if I could get</p> <p>10 his job back. I told him I would talk to</p> <p>11 them about it. Well, they kept saying</p> <p>12 that he -- he wasn't qualified, which he</p> <p>13 was supposed to be hired back first come</p> <p>14 back. I went in to Mr. Erickson and I</p> <p>15 told him, I said, I don't know what's</p> <p>16 going on with the ground section, why</p> <p>17 they won't hire Calvin back. I said, but</p> <p>18 you can ask anyone out here, he can do</p> <p>19 his job. You don't have to take my word</p> <p>20 for it, just go -- Mr. Erickson said,</p> <p>21 hold on a minute. I'll -- I'll look into</p> <p>22 it. And within a week, Calvin was hired</p> <p>23 back.</p>	<p>1 Q. Mr. Flowers didn't ask you to</p> <p>2 go talk to Mr. Erickson about his job,</p> <p>3 did he?</p> <p>4 A. Yes, he did.</p> <p>5 Q. And you acknowledged that Mr.</p> <p>6 Flowers is now a range tech?</p> <p>7 A. Yes.</p> <p>8 Q. Did Mr. Flowers also apply</p> <p>9 for a light equipment operator job?</p> <p>10 A. Yes, did he.</p> <p>11 Q. And he didn't get that job;</p> <p>12 is that correct?</p> <p>13 A. No, he didn't. He was</p> <p>14 promised that job.</p> <p>15 Q. Who promised him that job?</p> <p>16 A. Mr. Erickson.</p> <p>17 Q. Do you know why he didn't get</p> <p>18 the job?</p> <p>19 A. At the time when the job was</p> <p>20 being promised to him, light equipment</p> <p>21 operator, you could get the job and then</p> <p>22 get your certification and Honeywell</p> <p>23 would work with him to get it. Well,</p>

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<p style="text-align: right;">Page 181</p> <p>1 then all of a sudden the policy changed  2 and they wouldn't allow him -- he had to  3 have the certification before he got the  4 job.  5 <b>Q. Do you know if Mr. Erickson</b>  6 <b>went to the Army and asked them to waive</b>  7 <b>the CDL qualification?</b>  8 A. To waive it?  9 <b>Q. Yes.</b>  10 A. I heard in conversation  11 through some meetings that that was a  12 possible venture.  13 <b>Q. And do you know that the Army</b>  14 <b>would not make that exception?</b>  15 A. I don't know whether they  16 would or wouldn't.  17 <b>Q. But if they wouldn't, that</b>  18 <b>would be out of Mr. Erickson's control;</b>  19 <b>correct?</b>  20 A. If they wouldn't waive that  21 policy, yes.  22 <b>Q. You state here that Larry</b>  23 <b>Cophen -- is that his name?</b></p>	<p style="text-align: right;">Page 183</p> <p>1 any problems, you know.  2 <b>Q. Didn't you have a duty to</b>  3 <b>report any kind of comments like that to</b>  4 <b>Honeywell?</b>  5 A. I have a duty, yes.  6 <b>Q. Did you go to Mr. Erickson</b>  7 <b>about it and tell him about it?</b>  8 A. Mr. Erickson wouldn't -- at  9 that time during this situation, he was  10 already out to get me anyway, so any  11 comments I made to him was -- was always  12 my fault.  13 <b>Q. Why was he out to get you?</b>  14 A. You will have to ask Mr.  15 Erickson.  16 <b>Q. Well, what -- what are you</b>  17 <b>basing that statement on?</b>  18 A. There was an incident that  19 occurred where I was accused of violence  20 in the workplace, which never went down.  21 He never asked me any information about  22 what went on. The only thing I knew was  23 he called me into the office and asked me</p>
<p style="text-align: right;">Page 182</p> <p>1 A. Cophen.  2 <b>Q. Is expected to testify that</b>  3 <b>Mr. Temple referred to black people as</b>  4 <b>catfish at the bottom of the pond, little</b>  5 <b>"N" word babies?</b>  6 A. Yes.  7 <b>Q. I interviewed Mr. Cophen, he</b>  8 <b>says he's never said that. When are you</b>  9 <b>saying he said that?</b>  10 A. In conversation with us,  11 he --  12 <b>Q. When?</b>  13 A. He -- he made the statement  14 and --  15 MR. BENNITT: Listen to the  16 question.  17 <b>Q. When did he say that?</b>  18 A. Around 2003.  19 <b>Q. Did you call Honeywell's HR</b>  20 <b>department and report it?</b>  21 A. No, I didn't.  22 <b>Q. Why not?</b>  23 A. I really didn't want to stir</p>	<p style="text-align: right;">Page 184</p> <p>1 -- or told me that this was my  2 termination papers and that I was  3 forwarding this to HR and you are being  4 terminated for violence in the  5 workplace. After investigation --  6 <b>Q. By who?</b>  7 A. HR -- not HR, but Honeywell.  8 I filed a complaint. I called Honeywell  9 about it. Well, the way it went down was  10 I told him if he would call Jimmy Hines  11 in, he was down there when all of this  12 went on, if he tells you I did what they  13 say I did, I'll give you my resignation.  14 He says okay. He called --  15 <b>Q. I thought he was going to</b>  16 <b>fire you you said?</b>  17 A. He -- I was fired at that  18 time. He had the paperwork --  19 <b>Q. Well, how can you give him a</b>  20 <b>resignation if he's already fired you?</b>  21 A. Because -- because he was  22 sending the paperwork. He had the  23 termination in his hand. Okay? He had</p>

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<p style="text-align: right;">Page 185</p> <p>1 the paperwork. He was forwarding it to  2 HR. I told him that -- at that point, if  3 you call him in here and you ask him the  4 truth and he will tell you -- I don't  5 know him from Adam, if he -- whatever he  6 tells you, if he says I did it, I'll sign  7 a resignation. He says okay.  8 He calls him in and they tell him  9 right there that it didn't happen. He  10 says, well, there was other people  11 involved. He says, they were smaller.  12 Jerry says, you know that you -- I  13 intimidate him because Jimmy was the same  14 size as me. I says, well -- Mr. Erickson  15 says, call them in here. We will ask  16 them. They come in and he asked did I  17 say that and were they intimated. They  18 said no. Mr. Erickson says, well, I  19 guess that's the end of story.  20 <b>Q. So he didn't fire you?</b>  21 A. No. Because I had to prove  22 -- he didn't even ask me to begin with.  23 He had me fired and terminated,</p>	<p style="text-align: right;">Page 187</p> <p>1 <b>thing; correct?</b>  2 A. On that issue, on the  3 violence in the workplace they did. But  4 it was his initiation -- he had me  5 terminated, pulling it up to Garrison.  6 <b>Q. And that was because he had</b>  7 <b>heard reports that you might have been</b>  8 <b>violent?</b>  9 A. Whether he heard or not, it  10 wasn't -- it wasn't -- I mean, why didn't  11 he ask me? Why didn't he investigate? I  12 had to pull -- if I hadn't insisted, he  13 would have had me terminated then,  14 wrongfully.  15 <b>Q. But that's clear and that's</b>  16 <b>out of your record. And what year did</b>  17 <b>that occur?</b>  18 A. '05.  19 <b>Q. Okay.</b>  20 A. It was either -- it was  21 November, I think --  22 <b>Q. Well, I just asked you about</b>  23 <b>did you report this to Mr. Erickson about</b></p>
<p style="text-align: right;">Page 186</p> <p>1 forwarding it and everything. He told me  2 whether you sign it or not, I'm  3 forwarding it to -- to human resources.  4 <b>Q. And was that because he had</b>  5 <b>received reports that you had been</b>  6 <b>violent?</b>  7 A. He had -- I guess, but it was  8 all -- he should have investigated it. I  9 did -- I called Honeywell and told them  10 what went on. Hold on, if you don't  11 mind.  12 <b>Q. I'm not saying anything.</b>  13 A. Because of -- because --  14 MR. BENNITT: You looked like  15 you were going to.  16 A. Because I called Honeywell,  17 they had to launch an independent  18 investigation. Now it was out of his  19 hands, my hands, everybody's hand because  20 of the nature of the allegation. Once  21 that went down, they deemed that there  22 was nothing to it and it was thrown out.  23 <b>Q. So Honeywell did the right</b></p>	<p style="text-align: right;">Page 188</p> <p>1 <b>what Mr. Temple said, which you said</b>  2 <b>occurred in '03, and you said, oh no, he</b>  3 <b>was already out to get me by then. But</b>  4 <b>now you -- the incident you are saying he</b>  5 <b>was out to get you on --</b>  6 A. That was --  7 <b>Q. -- happened in '05?</b>  8 A. That was --  9 MR. BENNITT: Let her finish  10 the question before you answer.  11 <b>Q. How can he be out to get you</b>  12 <b>on something that happened later?</b>  13 A. It started -- that was just  14 part of it. That's just the ending of  15 it.  16 <b>Q. So when in your mind did Mr.</b>  17 <b>Erickson begin to be out to get you?</b>  18 A. When did he start -- when did  19 he start working there?  20 <b>Q. In 2002, I believe.</b>  21 A. I believe it was around 2003  22 all of this started tumbling down.  23 <b>Q. What started tumbling down?</b></p>

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<p>1 A. To -- to get me terminated 2 from Honeywell. 3 <b>Q. What happened that you</b> 4 <b>thought he wanted you terminated from</b> 5 <b>Honeywell?</b> 6 A. I just told you one incident. 7 <b>Q. That was in 2005. What</b> 8 <b>happened in 2003 that you say he wanted</b> 9 <b>to get you terminated from Honeywell?</b> 10 A. 2003? I can't recall. 11 <b>Q. 2004?</b> 12 A. I just stated 2004. It was 13 either December of 2004 or 5 when that 14 incident went down. That was the one 15 incident. There are other incidents. 16 <b>Q. That happened after that or</b> 17 <b>before that? I don't know. I'm asking</b> 18 <b>you?</b> 19 A. Yes. 20 <b>Q. What happened before that</b> 21 <b>incident that led you to believe Mr.</b> 22 <b>Erickson was out to, quote, get you?</b> 23 A. Mr. Erickson and Mr. Temple</p>	<p>1 <b>right to check up on his employees? Are</b> 2 <b>you saying Mr. Erickson does not have the</b> 3 <b>right to check up on his employees?</b> 4 A. No, I'm not saying that. 5 <b>Q. Okay.</b> 6 A. But does he check up on all 7 of them? 8 <b>Q. I'm not here to answer your</b> 9 <b>questions. I'm asking: Does he have the</b> 10 <b>right to see if you were doing your job?</b> 11 A. If he's doing it on an even 12 keel. 13 <b>Q. Do you know whether any of</b> 14 <b>your co-workers had the opinion that you</b> 15 <b>should have been fired long before you</b> 16 <b>were?</b> 17 A. No, I don't have that. 18 <b>Q. Do you know if your</b> 19 <b>co-workers are -- say that the workplace</b> 20 <b>is a much more relaxed, smooth running</b> 21 <b>place now that you are gone?</b> 22 A. No, I do not. 23 <b>Q. Tell me -- you say Mr. Lavar</b></p>
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<p>1 were stalking me at one time. They came 2 down on the range while I was performing 3 work, parked the truck on the way -- on 4 the thing, they were walking down, 5 stalking me at my work -- my work 6 performance. 7 <b>Q. Stalking you at your work</b> 8 <b>performance. Explain that occurrence.</b> 9 A. They were walking up on me. 10 I was down in a range and they were 11 trying to sneak up on me. I was in a 12 truck taking a break and they come up 13 behind me. I seen them in the mirrors 14 but I didn't move because I was on my 15 break. And then Mr. Erickson is going to 16 say, well, you know, you are not supposed 17 to have scheduled breaks or whatever. 18 But, you know, you have to take a break 19 when you can take a break down there. 20 <b>Q. How is that stalking you?</b> 21 A. Because they were sneaking up 22 on me. That was just one incident. 23 <b>Q. Does Mr. Erickson have the</b></p>	<p>1 <b>is expected to testify that Mr. Temple</b> 2 <b>was keeping a secret journal on you.</b> 3 <b>What are you talking about here?</b> 4 A. Mr. Lavar told me he was 5 keeping a journal on me. 6 <b>Q. Was he keeping notes on your</b> 7 <b>-- on -- on your work performance?</b> 8 A. I was told he was keeping a 9 journal on me. 10 <b>Q. Is he -- and now, he's your</b> 11 <b>supervisor; correct?</b> 12 A. Who is that? 13 <b>Q. Mr. Temple?</b> 14 A. Yes, he is. 15 <b>Q. What does that have to do</b> 16 <b>with your claims?</b> 17 A. Was he keeping a journal on 18 every employee, all white -- all white 19 employees? 20 <b>Q. I'm not here to answer your</b> 21 <b>questions.</b> 22 A. Well, that's my claim. He 23 was not keeping a -- he was keeping it on</p>

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<p style="text-align: right;">Page 193</p> <p>1 just me.</p> <p>2 <b>Q. Was it because you had</b></p> <p>3 <b>substandard work performance?</b></p> <p>4 A. Not according to my</p> <p>5 evaluations.</p> <p>6 <b>Q. Were you ever rated higher</b></p> <p>7 <b>than at standard ever?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. Overall, were you ever rated</b></p> <p>10 <b>higher than at standard?</b></p> <p>11 A. I don't think anyone was.</p> <p>12 <b>Q. Did you ever receive any kind</b></p> <p>13 <b>of performance bonuses after 2002?</b></p> <p>14 A. I received one when Roger</p> <p>15 Singletary was there. That's the only</p> <p>16 one.</p> <p>17 <b>Q. After 2002?</b></p> <p>18 A. Is that -- you are saying</p> <p>19 monetary awards?</p> <p>20 <b>Q. (Nods head affirmatively.)</b></p> <p>21 A. Yes. I got a bravo award.</p> <p>22 <b>Q. Was that a monetary award?</b></p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 195</p> <p>1 <b>jobs; is that correct?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. Okay.</b></p> <p>4 A. Well, they were -- I don't</p> <p>5 know what their title was. They did the</p> <p>6 same thing.</p> <p>7 <b>Q. Well, you just said they had</b></p> <p>8 <b>two different jobs?</b></p> <p>9 A. I don't know what their title</p> <p>10 was.</p> <p>11 <b>Q. One is a light equipment</b></p> <p>12 <b>operator; correct?</b></p> <p>13 A. Right.</p> <p>14 <b>Q. And one is a laborer?</b></p> <p>15 A. Okay. They have two</p> <p>16 different jobs then.</p> <p>17 <b>Q. All right. And you said they</b></p> <p>18 <b>may testify about the racial atmosphere</b></p> <p>19 <b>at the company. What are you referring</b></p> <p>20 <b>to there?</b></p> <p>21 A. If they are brought in, they</p> <p>22 may testify to the atmosphere.</p> <p>23 <b>Q. What atmosphere?</b></p>
<p style="text-align: right;">Page 194</p> <p>1 <b>Q. And that was when you</b></p> <p>2 <b>completed your green belt?</b></p> <p>3 A. No.</p> <p>4 <b>Q. What was that for?</b></p> <p>5 A. Safety award.</p> <p>6 <b>Q. And when did that occur?</b></p> <p>7 A. I'll have to get the date.</p> <p>8 It was in '04 -- '04 and '03.</p> <p>9 <b>Q. You say Mr. Roger and Travis</b></p> <p>10 <b>Engles will -- and they are brothers;</b></p> <p>11 <b>correct?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Do they work under each</b></p> <p>14 <b>other?</b></p> <p>15 A. They work with each other.</p> <p>16 They did when I was there.</p> <p>17 <b>Q. Did they work under each</b></p> <p>18 <b>other?</b></p> <p>19 A. I don't know what you are</p> <p>20 saying.</p> <p>21 <b>Q. Did one supervise the other?</b></p> <p>22 A. No.</p> <p>23 <b>Q. And they had two different</b></p>	<p style="text-align: right;">Page 196</p> <p>1 A. The racial tension.</p> <p>2 <b>Q. And these are both white</b></p> <p>3 <b>males; correct?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And what did they tell you --</b></p> <p>6 <b>did they tell you they were going to</b></p> <p>7 <b>testify for you?</b></p> <p>8 A. They did at one time.</p> <p>9 <b>Q. Have they since changed their</b></p> <p>10 <b>minds?</b></p> <p>11 A. I haven't spoken to no one</p> <p>12 there outside of Mr. Flowers.</p> <p>13 <b>Q. Are you aware that some of</b></p> <p>14 <b>the grounds, the laborers, the grounds</b></p> <p>15 <b>crew made complaints that you did not</b></p> <p>16 <b>help out with the work?</b></p> <p>17 A. No, I wasn't aware. As a</p> <p>18 matter of fact, they stated that that</p> <p>19 wasn't the case, the ones that I know.</p> <p>20 <b>Q. So if we get signed</b></p> <p>21 <b>statements, sworn statements, are you</b></p> <p>22 <b>going to say they are lying?</b></p> <p>23 A. Yes.</p>

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<p style="text-align: right;">Page 197</p> <p>1 Q. Do any -- did any of these 2 people know you were going to list them 3 as witnesses? Did you contact them and 4 ask them beforehand? 5 A. No, I didn't. I felt that 6 they would tell the truth. 7 Q. What does that have to do 8 with whether you contacted them 9 beforehand? 10 A. Why would I have to 11 contact -- 12 MR. BENNITT: Just answer the 13 question. 14 A. I didn't feel I needed to 15 contact them. I just knew they -- I felt 16 they would tell the truth. If they don't 17 want to tell the truth, they don't tell 18 the truth. 19 Q. You've never been to see a 20 psychologist or a counselor or anything 21 based on your termination from Honeywell? 22 A. No. 23 Q. Have you ever seen -- gone to</p>	<p style="text-align: right;">Page 199</p> <p>1 A. The Board of Nursing. 2 Q. Why? 3 A. Because of the possession 4 charge. 5 Q. How long were you in 6 counseling? 7 A. A year, maybe. I was -- I 8 was stated to go for thirty-six months, 9 but because of my good behavior and the 10 fact that they knew that it was a bogus 11 issue, they dropped it to, I believe it 12 was, sixteen months, if that long, twelve 13 months. 14 Q. Have you gone to any 15 counseling based -- 16 A. Twenty-four months. 17 Q. -- on the separation from 18 your wife? 19 A. No. 20 Q. And I believe you stated that 21 things are getting better for you now; 22 correct? 23 A. Yes. I'm looking forward.</p>
<p style="text-align: right;">Page 198</p> <p>1 a psychologist or a counselor or a 2 psychiatrist in your life? 3 A. Yes. 4 Q. When was that? 5 A. '96 or '97. 6 Q. And what -- and I don't want 7 to hear the details. But what was just 8 the basis for you going? 9 A. When I was getting my nursing 10 license, I had to go through stipulations 11 that the Board of Nursing put out in 12 order to get my nursing license and to go 13 to a counselor was one of them. 14 Q. Were these special 15 stipulations for you or were they 16 required for all LPNs? 17 A. No. Just for me. 18 Q. And why was it required for 19 you? 20 A. Because I was placed on 21 probation provided I adhere to their 22 stipulations. 23 Q. Who placed you on probation?</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. And you've never reported 2 that -- to Honeywell's HR or corporate or 3 anyone like that that you felt like 4 you've been treated differently based on 5 your race while you were employed with 6 Honeywell? 7 A. Yes, I did, with Shawanda 8 Hunt, I believe is her name. 9 Q. What was her position? 10 A. HR generalist. 11 Q. And when was that? 12 A. That was in -- I believe it 13 was '03. 14 Q. Where was she located at? 15 A. Honeywell -- she was at 16 Maryland, Columbia, Maryland. 17 Q. What did you -- did you call 18 her? 19 A. Yes, I did. 20 Q. What did you say to her? 21 A. I told her I felt I was being 22 racially discriminated and at the time it 23 was because of Mr. Erickson had taken me</p>

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<p>1 from my range tech position and placed me 2 over to another position and swapped me 3 with -- me and Chris Hines. 4 <b>Q. You were still a range tech; 5 correct?</b> 6 A. I was still a range tech. 7 <b>Q. Your position didn't change?</b> 8 A. No, my position didn't 9 change. 10 <b>Q. Your pay didn't change?</b> 11 A. No, my pay didn't change. 12 <b>Q. So how did he change your 13 position?</b> 14 A. He changed my job location. 15 <b>Q. Did he rotate you and Mr. 16 Hines?</b> 17 A. He told me that it was for a 18 -- it was a rotation that was going to be 19 -- everybody was going to do it and it 20 was only going to be for six months. Six 21 months came, he didn't rotate back or any 22 of the other range techs rotated. It was 23 supposed to be a cross-training is what I</p>	<p>1 A. I believe. And she said that 2 she would get in touch with me and she 3 never got back in touch with me. 4 <b>Q. Do you know Ms. -- Ms. Hunt's 5 race?</b> 6 A. No, I do not. 7 <b>Q. Did you follow-up with her?</b> 8 A. I tried to call her several 9 times and never could get in touch with 10 her. 11 <b>Q. Did you leave voice mail?</b> 12 A. Yes. 13 <b>Q. Are you sure Mr. Erickson 14 didn't tell you the rotation was for a 15 year?</b> 16 A. He told me six months, then 17 he came back when I went back to him, he 18 said, it's a year, and then when I went 19 back again, he said it wasn't happening. 20 <b>Q. And you had no help, is that 21 your testimony?</b> 22 A. On occasions I would get 23 help. They hired in a computer operator</p>
Page 202	Page 204
<p>1 was told. It was a cross-training 2 endeavor and we all were going to cross- 3 train. 4 <b>Q. So Mr. Hines had to rotate 5 also; is that right?</b> 6 A. Yeah. He went to a better 7 job. 8 <b>Q. Why is it a better -- he -- 9 what, did he go to your old job?</b> 10 A. Yeah. 11 <b>Q. Why is that a better job?</b> 12 A. Because the responsibility 13 that he threw at me was to take care of 14 twenty-seven ranges with one range tech. 15 When Hines was originally there, he had 16 three other assistants with him and he 17 threw me out with no help and expected me 18 to perform the job. 19 <b>Q. And so what did -- how did 20 Ms. -- how did Ms. Hunt respond to this?</b> 21 A. It was during Christmastime 22 when that complaint was made. 23 <b>Q. Christmas of 2003?</b></p>	<p>1 that would come in and would assist every 2 now and then, but no one with any 3 knowledge of the work. 4 <b>Q. Do you know if the helper 5 position was defunded by the Army?</b> 6 A. I don't know that. 7 <b>Q. Okay.</b> 8 MR. BENNITT: Objection to 9 form. 10 11 (Whereupon, Defendant's Exhibit No. 37 12 was marked for identification, and same 13 is attached hereto.) 14 15 <b>Q. Here is Exhibit No. 37, and 16 tell me if you've seen this document?</b> 17 A. Yes. 18 <b>Q. Is this a write-up because 19 you did not properly secure your toolbox 20 or the right passenger door of the truck?</b> 21 A. Yes. 22 <b>Q. Did you testify earlier that 23 you just didn't secure the toolbox?</b></p>

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<p>1 A. That's what I was --</p> <p>2 <b>Q. It was the truck and the</b></p> <p>3 <b>toolbox; correct?</b></p> <p>4 MR. BENNITT: Objection to</p> <p>5 form.</p> <p>6 A. If that's -- yeah. If that's</p> <p>7 what it's saying, yes.</p> <p>8 <b>Q. You also left tools in the</b></p> <p>9 <b>truck that belonged in the toolroom; is</b></p> <p>10 <b>that correct?</b></p> <p>11 A. Well, the -- yeah. Yeah.</p> <p>12 <b>Q. And you signed this document?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And this was supposedly</b></p> <p>15 <b>during the time that Mr. Erickson was</b></p> <p>16 <b>trying to get rid of you?</b></p> <p>17 A. No. This is when Mr.</p> <p>18 Erickson just started working there.</p> <p>19 <b>Q. So he wasn't trying to get</b></p> <p>20 <b>rid of you as of March of '03?</b></p> <p>21 A. No. He -- Thomas Lavar found</p> <p>22 this. Mr. Erickson just signed off of</p> <p>23 it.</p>	<p>1 that day?</p> <p>2 A. I don't recall.</p> <p>3 <b>Q. Can you pull your application</b></p> <p>4 <b>for me, Mr. -- to Honeywell? I believe</b></p> <p>5 <b>it's an early exhibit, probably like No.</b></p> <p>6 <b>12 or something, maybe, or -- No. 14.</b></p> <p>7 A. There's No. 14. There's No.</p> <p>8 13.</p> <p>9 <b>Q. Looking on the last page or</b></p> <p>10 <b>-- yeah, the last page of that exhibit</b></p> <p>11 <b>under certification statement, you signed</b></p> <p>12 <b>a -- you signed stating that: I certify</b></p> <p>13 <b>that all the information I have provided</b></p> <p>14 <b>is true and complete, and that would</b></p> <p>15 <b>refer to the first sentence under the</b></p> <p>16 <b>certification statement saying: I</b></p> <p>17 <b>understand that any omission or</b></p> <p>18 <b>misrepresentation by me in this</b></p> <p>19 <b>application may be cause for immediate</b></p> <p>20 <b>dismissal and that any offer of</b></p> <p>21 <b>employment is contingent upon it, and it</b></p> <p>22 <b>goes into your medical stuff. Why did</b></p> <p>23 <b>you not list the Elba Nursing Home and</b></p>
Page 206	Page 208
<p>1 <b>Q. Was Thomas Lavar trying to</b></p> <p>2 <b>get rid of you?</b></p> <p>3 A. No.</p> <p>4 <b>Q. Are you sure?</b></p> <p>5 A. No. I'm not sure of</p> <p>6 anything.</p> <p>7 MR. BENNITT: Are we at a</p> <p>8 stopping point or are you --</p> <p>9 MS. REISS: That's fine.</p> <p>10</p> <p>11 (Brief recess.)</p> <p>12</p> <p>13 (Whereupon, Defendant's Exhibit No. 38</p> <p>14 was marked for identification, and same</p> <p>15 is attached hereto.)</p> <p>16</p> <p>17 <b>Q. (By Ms. Reiss) I'm going to</b></p> <p>18 <b>show you Exhibit No. 38, Mr. Young, and</b></p> <p>19 <b>ask you if you've seen this document?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. You have? Okay.</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. And you -- you were tardy</b></p>	<p>1 your previous employers that would go</p> <p>2 back seven years on your employment</p> <p>3 record?</p> <p>4 A. I believe I stated earlier</p> <p>5 that Mr. Hodges said that I only needed</p> <p>6 three.</p> <p>7 <b>Q. Well, you only listed two?</b></p> <p>8 A. Two? Well, it was two then.</p> <p>9 <b>Q. Okay.</b></p> <p>10 A. I mean, he said that was all</p> <p>11 I needed. I was only doing what he said.</p> <p>12 <b>Q. You were green belt certified</b></p> <p>13 <b>in 2005?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And that's with the Six Sigma</b></p> <p>16 <b>program?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. What was your project with</b></p> <p>19 <b>the Six Sigma program?</b></p> <p>20 A. I believe we was working on</p> <p>21 inventory controls.</p> <p>22 <b>Q. So you understood the</b></p> <p>23 <b>importance of keeping inventory under</b></p>

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<p style="text-align: right;">Page 209</p> <p>1 check?</p> <p>2 A. I understood the problems</p> <p>3 that Honeywell had.</p> <p>4 Q. But you under -- and you,</p> <p>5 yourself, understood the importance of</p> <p>6 keeping inventory on your check?</p> <p>7 A. Yes.</p> <p>8 Q. In fact, that was your</p> <p>9 project to get your green belt; is that</p> <p>10 correct?</p> <p>11 A. Yes. We all worked on that.</p> <p>12 Q. But -- now, there were --</p> <p>13 there would be spot inspections to make</p> <p>14 sure that people had their PMCS forms;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you were caught without</p> <p>18 one more than once; is that right?</p> <p>19 A. I don't recall. Do you have</p> <p>20 something to show me?</p> <p>21 Q. You don't recall?</p> <p>22 A. I know once.</p> <p>23 Q. Who caught you without your</p>	<p style="text-align: right;">Page 211</p> <p>1 reports to him?</p> <p>2 A. I didn't say that.</p> <p>3</p> <p>4 (Whereupon, Defendant's Exhibit No. 39</p> <p>5 was marked for identification, and same</p> <p>6 is attached hereto.)</p> <p>7</p> <p>8 Q. On this -- do you remember</p> <p>9 this write-up from -- that Mr. Lavar</p> <p>10 found you without a PMCS sheet? Do you</p> <p>11 remember this incident that happened</p> <p>12 on --</p> <p>13 A. This one that you just handed</p> <p>14 me?</p> <p>15 Q. Yes.</p> <p>16 A. Yes.</p> <p>17 Q. And he asked to see your</p> <p>18 current preventive maintenance worksheet</p> <p>19 and you did not have one and you didn't</p> <p>20 have any blank copies; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Was he stalking you when he</p> <p>23 walked up to you?</p>
<p style="text-align: right;">Page 210</p> <p>1 PMCS form?</p> <p>2 A. Thomas Lavar.</p> <p>3 Q. And, yet, you maintain that</p> <p>4 it's Mr. Erickson that is out to get you</p> <p>5 because of your race; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. But Mr. Lavar is the person</p> <p>8 who caught you that would -- that would</p> <p>9 lead to write-ups, is that not -- is that</p> <p>10 correct? Many of his reports is what led</p> <p>11 to your write-ups; is that right?</p> <p>12 A. I'm sorry. Say that again.</p> <p>13 Q. Mr. Lavar was the person who</p> <p>14 caught you violating Honeywell policy</p> <p>15 which led to your write-ups?</p> <p>16 A. Yes.</p> <p>17 Q. Are you saying that Mr. Lavar</p> <p>18 has a problem with you because of your</p> <p>19 race?</p> <p>20 A. No.</p> <p>21 Q. So it only becomes a race</p> <p>22 issue if Mr. Erickson ends up giving you</p> <p>23 a write-up about something that Mr. Lavar</p>	<p style="text-align: right;">Page 212</p> <p>1 A. I don't know.</p> <p>2 MR. BENNITT: What was the</p> <p>3 answer?</p> <p>4 MS. REISS: He doesn't know.</p> <p>5 Q. Let me show you a performance</p> <p>6 review in 2005. Who went over this</p> <p>7 performance review with you?</p> <p>8 A. Mr. Temple and Mr. Erickson.</p> <p>9</p> <p>10 (Whereupon, Defendant's Exhibit No. 40</p> <p>11 was marked for identification, and same</p> <p>12 is attached hereto.)</p> <p>13</p> <p>14 Q. I'll show you what's marked</p> <p>15 as Exhibit No. 40. Tell me when you've</p> <p>16 had a chance to review it.</p> <p>17 A. Go ahead.</p> <p>18 Q. Okay. Did you have any</p> <p>19 disagreements with this evaluation?</p> <p>20 A. No.</p> <p>21 Q. And this was approximately a</p> <p>22 year before you were terminated; is that</p> <p>23 correct?</p>

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<p style="text-align: right;">Page 213</p> <p>1 A. If it's in '04, yes.</p> <p>2 <b>Q. It's '05.</b></p> <p>3 MR. BENNITT: I think in '04.</p> <p>4 MS. REISS: Signed in '05.</p> <p>5 MR. BENNITT: Oh, sorry.</p> <p>6 That's what she's talking about down</p> <p>7 there. Right there (indicating).</p> <p>8 A. But it's an '04 performance</p> <p>9 evaluation.</p> <p>10 <b>Q. Right. Right. You are</b></p> <p>11 <b>correct. You are correct.</b></p> <p>12 MR. BENNITT: What was the</p> <p>13 question?</p> <p>14 MS. REISS: I don't have one.</p> <p>15 THE WITNESS: This is an '05</p> <p>16 performance --</p> <p>17 MS. REISS: I don't have a</p> <p>18 question.</p> <p>19 MR. BENNITT: Oh, okay.</p> <p>20 Sorry.</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 215</p> <p>1 day for the last eight years and I know</p> <p>2 what needs to be checked.</p> <p>3 <b>Q. But you are -- but you are</b></p> <p>4 <b>supposed to complete the form on it,</b></p> <p>5 <b>correct, so there's documentation?</b></p> <p>6 A. The form is -- the form is to</p> <p>7 be handed in at the end of the day.</p> <p>8 <b>Q. But you are supposed to</b></p> <p>9 <b>complete the form when you do the check;</b></p> <p>10 <b>is that correct?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. And Mr. Erickson notes that:</b></p> <p>13 <b>The incident could have resulted in a</b></p> <p>14 <b>safety violation by our customer. So</b></p> <p>15 <b>this indicates that the Army could</b></p> <p>16 <b>consider this a safety violation when</b></p> <p>17 <b>renewing the contract. Does Honeywell</b></p> <p>18 <b>get fined by the Army for safety</b></p> <p>19 <b>violations?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. And you were placed on</b></p> <p>22 <b>probation for a year as a result of this</b></p> <p>23 <b>incident; is that correct?</b></p>
<p style="text-align: right;">Page 214</p> <p>1 (Whereupon, Defendant's Exhibit No. 41</p> <p>2 was marked for identification, and same</p> <p>3 is attached hereto.)</p> <p>4</p> <p>5 <b>Q. Let me show you what we're</b></p> <p>6 <b>going to mark as Exhibit No. 41, and this</b></p> <p>7 <b>is a follow-up to that Exhibit No. 39, I</b></p> <p>8 <b>believe, where Mr. Lavar found that you</b></p> <p>9 <b>didn't have a current preventive</b></p> <p>10 <b>maintenance sheet or any extras. You</b></p> <p>11 <b>received this written warning from Mr.</b></p> <p>12 <b>Erickson based on Mr. Lavar's report to</b></p> <p>13 <b>him; is that correct?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And you told Mr. Lavar you</b></p> <p>16 <b>had performed a preventive maintenance on</b></p> <p>17 <b>the vehicle but you didn't have a form</b></p> <p>18 <b>for it; is that correct?</b></p> <p>19 A. That's correct.</p> <p>20 <b>Q. So had you -- so how could</b></p> <p>21 <b>you have performed it if you didn't have</b></p> <p>22 <b>the form?</b></p> <p>23 A. Because I had done it every</p>	<p style="text-align: right;">Page 216</p> <p>1 A. Yes.</p> <p>2 <b>Q. An incident that Mr. Lavar</b></p> <p>3 <b>reported to Mr. Erickson?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And this is consistent with</b></p> <p>6 <b>Honeywell's disciplinary policies; is</b></p> <p>7 <b>that correct?</b></p> <p>8 A. As far as the write-up or the</p> <p>9 year?</p> <p>10 <b>Q. The year, probation for a</b></p> <p>11 <b>year?</b></p> <p>12 A. Yes.</p> <p>13</p> <p>14 (Whereupon, Defendant's Exhibit No. 42</p> <p>15 was marked for identification, and same</p> <p>16 is attached hereto.)</p> <p>17</p> <p>18 <b>Q. I'm going to ask you if</b></p> <p>19 <b>you've seen Exhibit No. 42? The Army is</b></p> <p>20 <b>very document intensive, is it not?</b></p> <p>21 A. I don't work for the Army.</p> <p>22 <b>Q. But you worked at a Army base</b></p> <p>23 <b>for seven years, did you not?</b></p>

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<p>1 A. I worked for Honeywell for --</p> <p>2 Q. Right.</p> <p>3 A. -- seven -- for eight years.</p> <p>4 Q. Whose customer was the Army?</p> <p>5 A. Right.</p> <p>6 Q. They like everything checked</p> <p>7 off, safe, clear; correct?</p> <p>8 A. I've never worked for the</p> <p>9 Army.</p> <p>10 Q. Are you saying you don't</p> <p>11 understand what the Army expects out of</p> <p>12 Honeywell?</p> <p>13 A. I know what Honeywell wants.</p> <p>14 Q. Are you saying that you don't</p> <p>15 understand what the Army expects out of</p> <p>16 Honeywell?</p> <p>17 A. The voice of the customers,</p> <p>18 what they want.</p> <p>19 Q. Let me show you Exhibit No.</p> <p>20 42. Have you seen this document before?</p> <p>21 A. No, I haven't.</p> <p>22 Q. Do you remember being docked</p> <p>23 pay for an hour due to being forty</p>	<p>1 A. No.</p> <p>2 Q. But you just testified you</p> <p>3 did -- you were aware of that?</p> <p>4 A. I was aware that it occurred,</p> <p>5 but I wasn't aware that it was going to</p> <p>6 happen when it happened.</p> <p>7 Q. What does that mean?</p> <p>8 A. It means after I -- the day</p> <p>9 that it happened, I think, if I'm not</p> <p>10 mistaken, he told me that -- that I</p> <p>11 couldn't make it up is what he said.</p> <p>12 Q. Well, it's also corporate</p> <p>13 policy that this is considered a tardy;</p> <p>14 correct? In fact, it says on the policy</p> <p>15 06-07: Late arrival greater than thirty</p> <p>16 minutes is not subject to make up; is</p> <p>17 that correct?</p> <p>18 A. It's not subject to, but they</p> <p>19 do allow it.</p> <p>20 Q. But that's what the rules</p> <p>21 say?</p> <p>22 A. But they do allow us to do</p> <p>23 it. I've done it many times.</p>
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<p>1 minutes late to work?</p> <p>2 A. Yes.</p> <p>3 Q. And Mr. Temple told you that</p> <p>4 he was going to talk to Mr. Erickson</p> <p>5 about it?</p> <p>6 A. No, he didn't tell me that.</p> <p>7 Q. Did he say it was going to be</p> <p>8 documented?</p> <p>9 A. No, he didn't.</p> <p>10 Q. So you are saying he lied on</p> <p>11 this memo?</p> <p>12 A. This memo was not to me; it</p> <p>13 was to Ken.</p> <p>14 Q. I'm asking you: Are you</p> <p>15 saying he lied on this memo when he said:</p> <p>16 I told Curley that this would be</p> <p>17 documented and --</p> <p>18 A. Yes.</p> <p>19 Q. -- he is aware of it?</p> <p>20 A. Yes.</p> <p>21 Q. But you were -- you were</p> <p>22 aware you were going to be docked an</p> <p>23 hour's pay?</p>	<p>1 Q. Mr. Temple allowed you to do</p> <p>2 it before?</p> <p>3 A. Yes.</p> <p>4</p> <p>5 (Whereupon, Defendant's Exhibit No. 43</p> <p>6 was marked for identification, and same</p> <p>7 is attached hereto.)</p> <p>8</p> <p>9 Q. I'll show you what we're</p> <p>10 going to mark as Exhibit -- this is in</p> <p>11 the same time frame, April of '05,</p> <p>12 Exhibit No. 43. Is this your signature</p> <p>13 at the bottom of this page, Mr. Young?</p> <p>14 A. Yes, it's my signature.</p> <p>15 Q. And your name is correctly</p> <p>16 spelled C-U-R-L-E-Y?</p> <p>17 A. Yes.</p> <p>18 Q. Can you tell me why in your</p> <p>19 complaint before the Court it is not</p> <p>20 spelled correctly? Did you review this</p> <p>21 before it was filed?</p> <p>22 A. Yes, I did.</p> <p>23 Q. And you didn't notice your</p>

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<p>1 name wasn't spelled correctly?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Right now you don't have the</p> <p>4 proper party suing Honeywell.</p> <p>5 A. That's a matter of opinion.</p> <p>6 Q. No. It's a matter of law.</p> <p>7 Now, who -- do you know who wrote this --</p> <p>8 you signed this correct? Is that your</p> <p>9 signature at the bottom?</p> <p>10 A. Yes.</p> <p>11 Q. And who did you go -- did you</p> <p>12 go over this with someone?</p> <p>13</p> <p>14 (off-the-record discussion.)</p> <p>15</p> <p>16 Q. Did you go over this with</p> <p>17 someone?</p> <p>18 A. Go over this with someone?</p> <p>19 Q. Yes.</p> <p>20 A. I believe I -- with Temple.</p> <p>21 Q. Do you know if this was the,</p> <p>22 quote, secret journal he was keeping on</p> <p>23 you?</p>	<p>1 (Whereupon, Defendant's Exhibit No. 44</p> <p>2 was marked for identification, and same</p> <p>3 is attached hereto.)</p> <p>4</p> <p>5 Q. Now I'm going to show you</p> <p>6 what we're going to mark as Exhibit No.</p> <p>7 44, and this was for the third and fourth</p> <p>8 quarter of '05, and ask you if you've</p> <p>9 seen this document?</p> <p>10 A. Yes.</p> <p>11 Q. And did Mr. Temple go over</p> <p>12 this with you also?</p> <p>13 A. Yes.</p> <p>14 Q. And he notes that you are a</p> <p>15 good troubleshooter; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. But you have minor problems</p> <p>18 with data input; is that correct?</p> <p>19 A. Yes. That's because the</p> <p>20 computer crashed every other day.</p> <p>21 Q. So it's not your fault, it's</p> <p>22 the computer's fault?</p> <p>23 A. On that particular issue,</p>
Page 222	Page 224
<p>1 A. I never seen the journal. I</p> <p>2 couldn't tell you if this was it or not.</p> <p>3 Q. Well, it wouldn't be secret</p> <p>4 if he showed it to you, would it?</p> <p>5 A. Excuse me?</p> <p>6 Q. It wouldn't be secret if he</p> <p>7 showed it to you, would it?</p> <p>8 A. No, if he showed it to me, it</p> <p>9 wouldn't be secret.</p> <p>10 Q. And on here he notes some of</p> <p>11 your good traits and some of the more</p> <p>12 recent shortcomings you've had; correct?</p> <p>13 A. I don't know. I never seen</p> <p>14 the journal.</p> <p>15 Q. Did you sign this?</p> <p>16 A. If this is -- you are calling</p> <p>17 this the journal?</p> <p>18 Q. I didn't call this the</p> <p>19 journal. I said on this document he</p> <p>20 noted some of your strengths and some of</p> <p>21 your shortcomings?</p> <p>22 A. Yes.</p> <p>23</p>	<p>1 yes.</p> <p>2 Q. But he says that he checks</p> <p>3 the input regularly and has found tasks</p> <p>4 that Curley completes wrong or are not</p> <p>5 completely filled out. How does that --</p> <p>6 how does that have to do with the</p> <p>7 computer crashing?</p> <p>8 A. Those particular items were</p> <p>9 just mistakes.</p> <p>10 Q. And then in June, was this</p> <p>11 the situation where Mr. Erickson found</p> <p>12 you sitting in your truck when you said</p> <p>13 you needed to take a break even though it</p> <p>14 was not a scheduled time?</p> <p>15 A. Yes.</p> <p>16 Q. And Mr. Temple notes that the</p> <p>17 perception from the customer, that would</p> <p>18 be the Army, is that Honeywell is always</p> <p>19 on break and that y'all have discussed</p> <p>20 this on several occasions; is that</p> <p>21 correct?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did he go over this with you?</p>

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<p style="text-align: right;">Page 225</p> <p>1 A. Yes. He went over this 2 particular document. 3 Q. And do you remember him 4 stating that your cleaning habits were 5 less than desirable? 6 A. Yes. 7 Q. And that you were late both 8 on July 22nd and August 3rd? 9 A. He stated that, but I wasn't 10 late. 11 Q. So you would disagree with 12 this statement: Curley is always on the 13 edge of tardiness and refuses to do any 14 different? 15 A. I disagree with that. 16 17 (Whereupon, Defendant's Exhibit No. 45 18 was marked for identification, and same 19 is attached hereto.) 20 21 22 Q. I'll show you a memo from Mr. 23 Lavar to Mr. Erickson dated January 25th</p>	<p style="text-align: right;">Page 227</p> <p>1 Q. And in the cab in the rear of 2 the vehicle, there was trash, including 3 soda cans and food wrappers and candy 4 wrappers; is that correct? 5 A. That's correct. 6 Q. And then in the -- also in 7 the bed of the truck there were paint 8 cans, spray cans, WD-40 that were not 9 properly stored; is that correct? 10 A. That's correct. 11 Q. And when he asked to see the 12 PMCS sheets, it stated that the 13 preventive maintenance had been completed 14 on this vehicle; is that correct? 15 A. The vehicle had a completed 16 PMCS sheet on the vehicle, Juliette 002. 17 Q. But obviously it was in -- if 18 you had done a preventive maintenance on 19 this -- these, you wouldn't have all of 20 this in the truck, a blower full of gas, 21 trash, et cetera? 22 A. Wrong. 23 Q. Why is that wrong?</p>
<p style="text-align: right;">Page 226</p> <p>1 -- it says 2000, but it's 2006, as you 2 can see from the body of the document, 3 and ask you if you have seen this memo 4 before from Mr. Lavar to Mr. Erickson? 5 A. Yes, I've seen it. 6 Q. Okay. Do you recall -- 7 MR. BENNITT: Is this 8 Defendant's Exhibit No. 45? 9 MS. REISS: I don't know. 10 You can see better than I can over 11 there. 12 MR. BENNITT: Okay. 13 Q. Mr. Lavar performed a 14 preventive maintenance on J-002. Was 15 that your vehicle that you drove? 16 A. Yes. 17 Q. And that's a government 18 vehicle? 19 A. Yes. 20 Q. And in the cab of the vehicle 21 he found a small engine blower with a 22 full tank of gas; is that correct? 23 A. That's correct.</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Because the -- the items that 2 he's referring to was found the day 3 before. The item as far as PMCS in that 4 truck for that day, the truck was PMCS 5 for that day. What he's -- 6 Q. Okay. Well, maybe I -- I 7 misread this. He says he wanted to see a 8 PMCS sheet for the blower that was taken 9 from the EQ shed and there was no such 10 document? 11 A. Now, that's correct. 12 Q. All right. And then you -- 13 Mr. Erickson then wrote you up for this; 14 is that right? 15 A. Yes. 16 Q. And you were suspended for a 17 week; is that correct? 18 A. Right. But I was wrongfully 19 done on that behalf. The individual that 20 was with me was the one that checked the 21 blower out. I didn't check the blower 22 out. But they saw fit to hammer me with 23 the -- the blower. She was using the</p>

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<p>1 blower, not me. She checked it out, not 2 me. 3 <b>Q. Are you ultimately</b> 4 <b>responsible for that truck?</b> 5 <b>A. For the truck, yes.</b> 6 7 (Whereupon, Defendant's Exhibit No. 46 8 was marked for identification, and same 9 is attached hereto.) 10 11 <b>Q. I'll show you Exhibit No. 46.</b> 12 <b>And you would agree this is the second</b> 13 <b>violation in a year regarding policies on</b> 14 <b>maintenance checks and services?</b> 15 <b>A. Yes.</b> 16 <b>Q. Where is that -- your helper,</b> 17 <b>what was her name gain?</b> 18 <b>A. Lisa Utli.</b> 19 <b>Q. And where is she currently --</b> 20 <b>right now?</b> 21 <b>A. The last -- she was deployed</b> 22 <b>the last time I was there.</b> 23 <b>Q. To Iraq? You don't know?</b></p>	<p>1 <b>in the -- what is the average temperature</b> 2 <b>in Ozark in the summer?</b> 3 <b>A. I don't know. I don't live</b> 4 <b>in Ozark.</b> 5 <b>Q. You worked in Ozark; correct?</b> 6 <b>A. No.</b> 7 <b>Q. Fort Rucker is not in Ozark?</b> 8 <b>A. No.</b> 9 <b>Q. Where is it at?</b> 10 <b>A. It's got a Daleville address.</b> 11 <b>Q. Is Daleville south of Ozark</b> 12 <b>or north of Ozark?</b> 13 <b>A. I don't know.</b> 14 <b>Q. What is the average</b> 15 <b>temperature in Daleville in the summer?</b> 16 <b>A. In the summer, ninety.</b> 17 <b>Q. Or more; correct?</b> 18 <b>A. Ninety.</b> 19 <b>Q. And this was the state of</b> 20 <b>your truck when Mr. Lavar did a</b> 21 <b>spot-check, this first picture here?</b> 22 <b>A. This is the first time I've</b> 23 <b>seen these pictures, so --</b></p>
Page 230	Page 232
<p>1 <b>A. (Nods head negatively.)</b> 2 3 (Whereupon, Defendant's Exhibit No. 47 4 was marked for identification, and same 5 is attached hereto.) 6 7 <b>Q. I'll show you Exhibit No.</b> 8 <b>47. These are -- do you recall Mr. Lavar</b> 9 <b>taking photos of your truck that day?</b> 10 <b>A. Yes.</b> 11 <b>MS. REISS: Jeff, you may</b> 12 <b>want to look at the photos.</b> 13 <b>MR. BENNITT: Oh, thanks.</b> 14 <b>Q. Now, is this a blower -- is</b> 15 <b>that the blower on the floorboard of the</b> 16 <b>passenger seat?</b> 17 <b>A. Yes.</b> 18 <b>Q. And it was full of gas?</b> 19 <b>A. Yes.</b> 20 <b>Q. And it's sitting under spray</b> 21 <b>paint cans?</b> 22 <b>A. Yes.</b> 23 <b>Q. How hot does it normally get</b></p>	<p>1 <b>Q. But you agree he took</b> 2 <b>pictures of the -- of your truck at that</b> 3 <b>time; correct?</b> 4 <b>A. Yes.</b> 5 <b>Q. Okay.</b> 6 <b>A. Yes.</b> 7 <b>Q. And looking at the second</b> 8 <b>page, is the paint cans all jumbled</b> 9 <b>there? They are supposed to be in a</b> 10 <b>protective container, aren't they?</b> 11 <b>Correct?</b> 12 <b>A. What do you think they are</b> 13 <b>in?</b> 14 <b>Q. That's the secondary</b> 15 <b>container that they are -- does it have a</b> 16 <b>top on it?</b> 17 <b>A. It didn't have a top on it.</b> 18 <b>What are you talking about is there a top</b> 19 <b>on it? It's not required.</b> 20 <b>Q. It's not supposed to be</b> 21 <b>completely protected? Where are the tops</b> 22 <b>to some of these containers?</b> 23 <b>A. The tops are not required to</b></p>

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<p style="text-align: right;">Page 233</p> <p>1 be on them.</p> <p>2 <b>Q. Why did Mr. -- do you know</b></p> <p>3 <b>why Mr. Lavar took this third picture of</b></p> <p>4 <b>the WD-40 can sitting out on the bed of</b></p> <p>5 <b>the truck?</b></p> <p>6 <b>A. Yeah. Because it's not</b></p> <p>7 <b>supposed to be in the bed of the truck.</b></p> <p>8 <b>Q. Is it supposed to have a top</b></p> <p>9 <b>on it?</b></p> <p>10 <b>A. No. It doesn't have to have</b></p> <p>11 <b>a top. It's not required in the policy.</b></p> <p>12 <b>Q. Is it supposed to be in the</b></p> <p>13 <b>secondary container?</b></p> <p>14 <b>A. Yes. That's supposed to be</b></p> <p>15 <b>-- well, that particular one doesn't have</b></p> <p>16 <b>to be. Paint has to be in a secondary</b></p> <p>17 <b>container. WD-40 does not have to be.</b></p> <p>18 <b>Q. Where does it say that WD-40</b></p> <p>19 <b>does not have to be in a secondary</b></p> <p>20 <b>container?</b></p> <p>21 <b>A. Where does it state that</b></p> <p>22 <b>WD-40 has to be in a container?</b></p> <p>23 <b>Q. Let's see. Let's go back to</b></p>	<p style="text-align: right;">Page 235</p> <p>1 <b>truck?</b></p> <p>2 <b>A. Yes.</b></p> <p>3 <b>Q. You also left, on the fifth</b></p> <p>4 <b>page, exposed paint cans not in a</b></p> <p>5 <b>secondary container?</b></p> <p>6 <b>A. Yes.</b></p> <p>7 <b>Q. Sixth page you left wrappers</b></p> <p>8 <b>in the back of the truck?</b></p> <p>9 <b>A. Wrappers?</b></p> <p>10 <b>Q. Yes. And bottle -- cans?</b></p> <p>11 <b>A. Yeah.</b></p> <p>12 <b>Q. Now, what are those white</b></p> <p>13 <b>containers beside the M&amp;M's wrapper?</b></p> <p>14 <b>A. Those are empty containers.</b></p> <p>15 <b>Q. Are they Hazmat containers?</b></p> <p>16 <b>A. They are empty. There's</b></p> <p>17 <b>nothing in them.</b></p> <p>18 <b>Q. Are they a Hazmat container?</b></p> <p>19 <b>A. A Hazmat? It has a Hazmat</b></p> <p>20 <b>label, but it's nothing in it.</b></p> <p>21 <b>Q. But you are supposed to put</b></p> <p>22 <b>Hazmat type instruments like WD-40 in</b></p> <p>23 <b>those containers; correct?</b></p>
<p style="text-align: right;">Page 234</p> <p>1 <b>the -- the policies.</b></p> <p>2 <b>A. Paint has to be in a</b></p> <p>3 <b>secondary container.</b></p> <p>4 <b>Q. Let's see how it reads. Does</b></p> <p>5 <b>WD-40 carry a Hazmat label?</b></p> <p>6 <b>A. Yes, it does.</b></p> <p>7 <b>Q. And what does that mean?</b></p> <p>8 <b>A. That's just a label that</b></p> <p>9 <b>identifies the content, the safety, the</b></p> <p>10 <b>PPE, that you have to use to use the</b></p> <p>11 <b>equipment or to use the item.</b></p> <p>12 <b>Q. And is one of the safety</b></p> <p>13 <b>regulations that it's not supposed to be</b></p> <p>14 <b>left out and exposed without a top on it?</b></p> <p>15 <b>A. No.</b></p> <p>16 <b>Q. How do you know that?</b></p> <p>17 <b>A. That's not part of the PPE of</b></p> <p>18 <b>it.</b></p> <p>19 <b>Q. Looking at the fourth page of</b></p> <p>20 <b>the photos there, you left bottle -- cans</b></p> <p>21 <b>in the back of the truck?</b></p> <p>22 <b>A. Yes.</b></p> <p>23 <b>Q. And that's a government</b></p>	<p style="text-align: right;">Page 236</p> <p>1 <b>A. You -- is this the picture we</b></p> <p>2 <b>are looking at?</b></p> <p>3 <b>Q. Yes.</b></p> <p>4 <b>A. No. I don't know what you</b></p> <p>5 <b>are -- no. What's in those containers</b></p> <p>6 <b>right there are bolts and nuts that I</b></p> <p>7 <b>saved for the other ranges.</b></p> <p>8 <b>Q. I thought you just said they</b></p> <p>9 <b>were empty?</b></p> <p>10 <b>A. These -- this particular --</b></p> <p>11 <b>they don't have -- what came in here in</b></p> <p>12 <b>this container are humidifiers that we</b></p> <p>13 <b>put at the -- the HG live range. What I</b></p> <p>14 <b>have in -- the content that goes in there</b></p> <p>15 <b>is not in there. What I have in here is</b></p> <p>16 <b>stored bolts.</b></p> <p>17 <b>Q. How do you know if you don't</b></p> <p>18 <b>know when Mr. Lavar took these pictures</b></p> <p>19 <b>what's in those containers?</b></p> <p>20 <b>A. Because I know what's in -- I</b></p> <p>21 <b>know what the container is. I wouldn't</b></p> <p>22 <b>have -- the humidifier would not have</b></p> <p>23 <b>been in there. When I empty them out, I</b></p>

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<p>1 put them in the back of the truck and use 2 them for storage bins. 3 Q. I believe it's the seventh 4 page. Is this more McDonald's garbage in 5 the back of the truck and cans and -- 6 A. Yes. Yes. 7 Q. And unlidded containers? 8 A. Yes. Yes. 9 Q. Now, looking at the last two 10 pages, can you tell me -- the next to the 11 last page, what is that we are looking 12 at? 13 A. QC tags. 14 Q. What is the -- what is the 15 machinery we are looking at? 16 A. It's a thumb tag. 17 Q. It's a what? A what? 18 A. It's a thumb tag. 19 Q. A thumb tag, the machinery? 20 A. You -- you are asking for the 21 ITM? 22 Q. I'm asking: What is this 23 machine?</p>	<p>1 A. Yes. 2 Q. And this is a photograph 3 where Mr. Lavar has found that you did 4 not perform preventive maintenance on 5 that machinery? 6 A. I don't know if it was me. 7 Q. Do you know Mr. Lavar to be a 8 dishonest person? 9 A. What I'm saying is that tag 10 is in that box, but three other range 11 techs pulled maintenance on this box or 12 on the range. It could have been them, 13 me or the other two. 14 Q. But you are assigned to do 15 preventive maintenance on -- on certain 16 boxes at certain times; correct? 17 A. That's right. 18 Q. And Mr. Lavar is considered 19 QC; correct? 20 A. That's right. 21 Q. Because before when I asked 22 you, you said he was an inspector, but 23 you now acknowledge that he's part of the</p>
Page 238	Page 240
<p>1 A. ITM. 2 Q. What's an ITM? 3 A. Integrated target mechanism. 4 Q. Is it something y'all use out 5 on the range? 6 A. Yeah. 7 Q. And the tag inside of it 8 says: Please return the tag to QC or 9 program manager? 10 A. Yes. 11 Q. What -- what is the purpose 12 of that tag? 13 A. To see if you are performing 14 preventive maintenance -- 15 Q. So. 16 A. -- on a timely manner. 17 Q. Okay. So if you've performed 18 preventive maintenance on this I -- what 19 did you call it, I -- 20 A. ITM. 21 Q. ITM -- I'm not -- I don't 22 know all of these acronyms -- you are 23 supposed to pull that tag; correct?</p>	<p>1 QC department? 2 A. Well, he's -- his title is 3 inspector, ma'am. 4 Q. But he's in the QC 5 department? 6 A. I don't even think we have a 7 QC in our -- as a -- we don't have a QC 8 title. He's an inspector. 9 Q. Looking on the last page, Mr. 10 Young, what is that machinery that we are 11 looking at? 12 A. The same machinery we were 13 looking at before. 14 Q. And, again, the tag has been 15 left in the machinery? 16 A. Again, the tag is in the 17 machinery. 18 Q. And did you know Mr. Lavar to 19 take photos when a tag was left in the 20 machinery? 21 A. Yes. 22 Q. At the time you were 23 suspended from work for a week, were you</p>

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<p style="text-align: right;">Page 241</p> <p>1 already separated from your wife?</p> <p>2 A. I don't recall.</p> <p>3 Q. You don't? You don't</p> <p>4 remember if you spent the week at home</p> <p>5 with your wife or --</p> <p>6 A. No. I don't recall.</p> <p>7</p> <p>8 (Whereupon, Defendant's Exhibit No. 48</p> <p>9 was marked for identification, and same</p> <p>10 is attached hereto.)</p> <p>11</p> <p>12 Q. Let me show you what we're</p> <p>13 going to mark as Exhibit No. 48. Have</p> <p>14 you ever seen this document?</p> <p>15 A. I seen it when my lawyer</p> <p>16 showed it to me was the first time.</p> <p>17 Q. Really? I wonder how your</p> <p>18 lawyer got it. I don't -- I've never</p> <p>19 given this to your lawyer. And you are</p> <p>20 under oath, so please answer correctly.</p> <p>21 A. To the best of my knowledge,</p> <p>22 that's when I seen it, was in his</p> <p>23 office.</p>	<p style="text-align: right;">Page 243</p> <p>1 it was some documents that I got from Mr.</p> <p>2 Garrett.</p> <p>3 Q. Now, it says: On April 3rd,</p> <p>4 2006, Gregory Clay was conducting an</p> <p>5 inventory when he discovered some</p> <p>6 shortage at a range; is that correct?</p> <p>7 A. I don't -- that's what it</p> <p>8 says.</p> <p>9 Q. What is the race of Mr. Clay?</p> <p>10 A. He's an African-American.</p> <p>11 Q. In your complaint, did you</p> <p>12 state that -- you did state that only</p> <p>13 white employees have keys to the supply</p> <p>14 room? Now that's incorrect, isn't it?</p> <p>15 A. I don't know.</p> <p>16 Q. Why would you state that,</p> <p>17 then, if you don't know?</p> <p>18 A. Only whites have a key to the</p> <p>19 -- at the time, they did.</p> <p>20 Q. At what time?</p> <p>21 A. During the time that I was</p> <p>22 out there.</p> <p>23 Q. You are saying Mr. Lavar</p>
<p style="text-align: right;">Page 242</p> <p>1 MS. REISS: Have you ever</p> <p>2 seen this, Mr. Bennitt? It's dated April</p> <p>3 3rd, 2006. *** (start of not on tape) ***</p> <p>4 And if it helps, it has Honeywell at the</p> <p>5 top.</p> <p>6 MR. BENNITT: I'm going</p> <p>7 through every one of my files -- I mean,</p> <p>8 every one of the documents in my file.</p> <p>9 MS. REISS: You don't have</p> <p>10 it, Mr. Bennitt?</p> <p>11 MR. BENNITT: I don't see it.</p> <p>12 The only thing that I see that comes</p> <p>13 close to it is y'all's letter. And it's</p> <p>14 not the document. It's just a paragraph</p> <p>15 in here about supply accountability.</p> <p>16 MS. REISS: Okay. But, no,</p> <p>17 I'm talking about this document with</p> <p>18 Honeywell logo on it.</p> <p>19 MR. BENNITT: Okay. No.</p> <p>20 Q. Do you remember when you saw</p> <p>21 this, Mr. Young? Apparently it was not</p> <p>22 in your attorney's office.</p> <p>23 A. It may have been in -- maybe</p>	<p style="text-align: right;">Page 244</p> <p>1 didn't have a key to the supply room</p> <p>2 during the time you were out there?</p> <p>3 A. The -- the key was to be --</p> <p>4 can be checked out, I guess. I had a</p> <p>5 key. I was assigned a key and the key --</p> <p>6 the other keys are in the -- in the key</p> <p>7 box.</p> <p>8 Q. So you, yourself, had a key</p> <p>9 to the supply room?</p> <p>10 A. Yes. Because I was -- to the</p> <p>11 supply room at CPQC because I was in</p> <p>12 charge of that range.</p> <p>13 Q. What are you talking about</p> <p>14 here, then, only white employees have</p> <p>15 keys to the supply room?</p> <p>16 A. That's the supply room at</p> <p>17 CPQC.</p> <p>18 Q. And you had a key to that?</p> <p>19 A. I had one.</p> <p>20 Q. And you are not white?</p> <p>21 A. No.</p> <p>22 Q. Why would you make that</p> <p>23 statement in the complaint to the Court?</p>

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<p style="text-align: right;">Page 245</p> <p>1 That is absolutely false?</p> <p>2 A. The --</p> <p>3 Q. Why would you make that</p> <p>4 statement?</p> <p>5 A. It's not false.</p> <p>6 Q. You just said you had a key?</p> <p>7 A. Other than me.</p> <p>8 Q. You said only white employees</p> <p>9 have keys to the supply room. You didn't</p> <p>10 say other than me?</p> <p>11 A. Can I see that?</p> <p>12 Q. I think you have a copy over</p> <p>13 there.</p> <p>14 MS. REISS: Do you have a</p> <p>15 copy of the complaint, Jeff, over there?</p> <p>16 Here. I can give him a copy. Well,</p> <p>17 that's not it. Hold on.</p> <p>18</p> <p>19 (Whereupon, Defendant's Exhibit No. 49</p> <p>20 was marked for identification, and same</p> <p>21 is attached hereto.)</p> <p>22</p> <p>23 Q. Okay. Exhibit No. 49 is your</p>	<p style="text-align: right;">Page 247</p> <p>1 a key to it, I don't think. He was an</p> <p>2 inspector.</p> <p>3 Q. Mr. Lavar would be the best</p> <p>4 person to know if he had a key; right?</p> <p>5 A. Yes.</p> <p>6 Q. Now, in this memo, this</p> <p>7 write-up, Exhibit -- what is it? Exhibit</p> <p>8 48, I believe, you -- your inventory was</p> <p>9 incorrect on mannequins; correct?</p> <p>10 A. I don't know.</p> <p>11 Q. You don't know?</p> <p>12 A. No. I was never inquired</p> <p>13 about it.</p> <p>14 Q. I thought you testified</p> <p>15 earlier you thought that's why you were</p> <p>16 fired?</p> <p>17 A. That's why I was fired, but</p> <p>18 as far as the mannequins being missing, I</p> <p>19 was never questioned about that.</p> <p>20 Q. Well, the inventory was short</p> <p>21 on two mannequins, you did not know that?</p> <p>22 A. I was not there when the</p> <p>23 inventory was done.</p>
<p style="text-align: right;">Page 246</p> <p>1 complaint. Page five.</p> <p>2 A. Okay. This is the supply</p> <p>3 room in the bay area. That's not CPQC.</p> <p>4 And that is correct, I don't have a key</p> <p>5 to that.</p> <p>6 Q. Does Mr. Lavar have a key to</p> <p>7 that?</p> <p>8 A. At one time, he did.</p> <p>9 Q. And did Mr. Clay have a key</p> <p>10 to that?</p> <p>11 A. I don't -- I know Mr. -- the</p> <p>12 chief that was -- I don't know. I forget</p> <p>13 his name, that was over Clay had a key to</p> <p>14 it. I don't know.</p> <p>15 Q. But you are not sure whether</p> <p>16 Clay had a key or not?</p> <p>17 A. No.</p> <p>18 Q. But right now we know the</p> <p>19 statement is false; correct?</p> <p>20 A. No, I don't know that.</p> <p>21 Q. Mr. Lavar had a key to</p> <p>22 this --</p> <p>23 A. I don't -- Lavar did not have</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. Were you told about that</p> <p>2 issue?</p> <p>3 A. No. I wasn't told about this</p> <p>4 until May 30th.</p> <p>5 Q. Were you told May 30th about</p> <p>6 this?</p> <p>7 A. I was told at May 30 that I</p> <p>8 was terminated for inaccountability of</p> <p>9 government supply, whatever that was --</p> <p>10 whatever the statement was.</p> <p>11 Q. Improper supply</p> <p>12 accountability and improper posting of</p> <p>13 database. And on this form it states:</p> <p>14 You have been counseled numerous times on</p> <p>15 your inventory procedures. Did you see</p> <p>16 that?</p> <p>17 A. Yes. It's on there, but --</p> <p>18 Q. And, in fact, you -- your</p> <p>19 green belt project was about inventory;</p> <p>20 correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And Honeywell can get fined</p> <p>23 by their customer, the government, if</p>

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<p style="text-align: right;">Page 249</p> <p>1 their inventory is off; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And you are required to post</p> <p>4 a form 3318 to keep track of your</p> <p>5 inventory; right?</p> <p>6 A. That's correct.</p> <p>7 Q. And do you know who made --</p> <p>8 and you said you didn't know who made the</p> <p>9 recommendation for your termination. Do</p> <p>10 you know who made the final decision for</p> <p>11 your termination?</p> <p>12 A. The final decision would have</p> <p>13 came from Honeywell.</p> <p>14 Q. Right. But what person?</p> <p>15 A. Jim Garrett.</p> <p>16 Q. Did he ever work with you on</p> <p>17 a day-to-day basis?</p> <p>18 A. Never.</p> <p>19 Q. What information do you have</p> <p>20 that Mr. Garrett might be racist?</p> <p>21</p> <p>22 (Brief interruption.)</p> <p>23</p>	<p style="text-align: right;">Page 251</p> <p>1 (Whereupon, Defendant's Exhibit No. 50</p> <p>2 was marked for identification, and same</p> <p>3 is attached hereto.)</p> <p>4</p> <p>5 Q. Let me show you what we will</p> <p>6 mark as Exhibit No. 50, and I'll show you</p> <p>7 this is a performance evaluation. Part</p> <p>8 of it is whited out as these are</p> <p>9 confidential. Under staffing and</p> <p>10 personnel for which they rate Honeywell,</p> <p>11 it's stated in the middle of that</p> <p>12 paragraph: During the quarter, the PM,</p> <p>13 that would be the project manager, made a</p> <p>14 difficult staffing termination in the</p> <p>15 range maintenance area. Honeywell</p> <p>16 personnel have proven their flexibility</p> <p>17 and initiative in their outstanding</p> <p>18 support to new and different training</p> <p>19 events.</p> <p>20 Mr. Young, were you aware that the</p> <p>21 government commended Mr. Erickson on this</p> <p>22 decision?</p> <p>23 A. No, I wasn't.</p>
<p style="text-align: right;">Page 250</p> <p>1 A. Repeat the question, please?</p> <p>2 Q. What evidence, if any, do you</p> <p>3 have that Mr. Garrett would have fired</p> <p>4 you based on your race?</p> <p>5 A. I don't have any evidence.</p> <p>6 Q. In fact, Mr. Garrett sent you</p> <p>7 a severance agreement; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And you called him and asked</p> <p>10 him for -- he offered you more time to</p> <p>11 fill it out beyond the deadline for it?</p> <p>12 A. He did.</p> <p>13 Q. And you decided not to sign</p> <p>14 the severance agreement?</p> <p>15 A. I did.</p> <p>16 Q. Do you know that the -- were</p> <p>17 you aware that the government</p> <p>18 congratulated Honeywell on your</p> <p>19 termination?</p> <p>20 A. No, I wasn't.</p> <p>21</p> <p>22</p> <p>23</p>	<p style="text-align: right;">Page 252</p> <p>1 (Whereupon, Defendant's Exhibit No. 51</p> <p>2 was marked for identification, and same</p> <p>3 is attached hereto.)</p> <p>4</p> <p>5 Q. I'm going to show you what</p> <p>6 was produced to us by your attorney.</p> <p>7 Tell me what that is, please, sir?</p> <p>8 A. This was my personal</p> <p>9 documentation of incidents that were</p> <p>10 occurring and when I felt --</p> <p>11 Q. Okay. You made those notes</p> <p>12 for yourself?</p> <p>13 A. Yes.</p> <p>14 Q. And if we can just go through</p> <p>15 some of it so I can make sure I</p> <p>16 understand. You say reason for what?</p> <p>17 What is that word?</p> <p>18 A. Inquiry.</p> <p>19 Q. You state you feel like</p> <p>20 you've been treated unfairly in promotion</p> <p>21 advances. What promotion are you talking</p> <p>22 about there?</p> <p>23 A. Being promoted.</p>

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<p>1 Q. What promotion?</p> <p>2 A. When I applied for the range</p> <p>3 tech or the electronic technician job.</p> <p>4 Q. You wrote this on December</p> <p>5 14, '04?</p> <p>6 A. Okay. That was not that</p> <p>7 one. That was -- this was for promotions</p> <p>8 prior to.</p> <p>9 Q. What promotions did you apply</p> <p>10 for before this?</p> <p>11 A. Supervisor.</p> <p>12 Q. That was the job Jerry Temple</p> <p>13 got?</p> <p>14 A. Yes.</p> <p>15 Q. And that was, you said, pre</p> <p>16 2002; correct?</p> <p>17 A. That was.</p> <p>18 Q. Okay. Any other promotion</p> <p>19 positions?</p> <p>20 A. If I'm not mistaken, this is</p> <p>21 the one where -- with the electronic</p> <p>22 technician as well. This is December</p> <p>23 '04. Yeah. This is the electronic tech,</p>	<p>1 reasons you felt like you had been</p> <p>2 denied?</p> <p>3 A. Okay. The way the question</p> <p>4 reads is: I feel that I have been</p> <p>5 treated unfairly in promotion advances.</p> <p>6 Q. And then you say: I also</p> <p>7 feel I've been denied because I'm</p> <p>8 African-American. So what --</p> <p>9 A. That's right. I felt that I</p> <p>10 was denied those advances because I was</p> <p>11 African-American.</p> <p>12 Q. But you say you were treated</p> <p>13 unfairly. How were you --</p> <p>14 A. Unfairly, yes, because I was</p> <p>15 denied promotion because I was as</p> <p>16 qualified with my years there as well as</p> <p>17 the experience that I had.</p> <p>18 Q. Let me make sure I ask the</p> <p>19 question clearly for the record. You</p> <p>20 say: I feel like I've been treated</p> <p>21 unfairly in the beginning, and then you</p> <p>22 say: I also feel like I've been denied</p> <p>23 because I'm African-American. If you say</p>
Page 254	Page 256
<p>1 if I'm not mistaken.</p> <p>2 Q. Was that position not awarded</p> <p>3 in November of '05?</p> <p>4 A. It was awarded -- I don't</p> <p>5 know.</p> <p>6 Q. Any other promotion</p> <p>7 positions?</p> <p>8 A. Those are the -- those are</p> <p>9 the two that I applied for.</p> <p>10 Q. You say: Position movement</p> <p>11 from within department section. What</p> <p>12 does that mean?</p> <p>13 A. Those are the positions.</p> <p>14 Q. What?</p> <p>15 A. Those are the positions from</p> <p>16 within.</p> <p>17 Q. Oh, okay. But we've talked</p> <p>18 about the two promotions you are talking</p> <p>19 about; is that correct?</p> <p>20 A. That's right.</p> <p>21 Q. And you -- then you say: I</p> <p>22 also feel I've been denied because I'm</p> <p>23 African-American. What were the other</p>	<p>1 also, that tends to show there were other</p> <p>2 reasons. What were the other reasons you</p> <p>3 thought you were denied promotion?</p> <p>4 A. I just told you the reasons</p> <p>5 and what I said. There's -- I mean, you</p> <p>6 are cat-and-mousing with the words. I --</p> <p>7 I'm telling you what I said and what I</p> <p>8 meant. I don't know what -- I don't know</p> <p>9 what more you want me to say.</p> <p>10 Q. How did -- and you say -- is</p> <p>11 Mr. Temple the person who you are</p> <p>12 referring to who cursed you?</p> <p>13 A. Yes.</p> <p>14 Q. How did he curse at you?</p> <p>15 A. I came in from my lunch</p> <p>16 hour. I got a sandwich, like we usually</p> <p>17 do, put it in the microwave. He was</p> <p>18 sitting down eating. He looked up, and</p> <p>19 he said, what the fuck are you doing in</p> <p>20 here? I turned around and looked at</p> <p>21 him. I didn't say anything. I turned</p> <p>22 around and pulled my sandwich back out,</p> <p>23 put it back in the refrigerator. I</p>



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<p style="text-align: right;">Page 257</p> <p>1 walked out, and then I walked back in, 2 and I told him that he needed to learn 3 how to speak to people. And I turned 4 back around and walked back out, got in 5 my truck and left. I then -- 6 <b>Q. You went home?</b> 7 <b>A.</b> No. I left and went back to 8 my job. 9 <b>Q. Okay.</b> 10 <b>A.</b> I came back that afternoon, 11 went in and explained what happened to 12 Mr. Erickson. Mr. Erickson said that it 13 was my fault, that I made him cuss me 14 because I came in late that day. And I 15 said, is that right? He goes, yeah. And 16 I said, how was I wrong? I have 17 witnesses that saw what happened. I 18 didn't do anything to provoke him. Well, 19 that was -- that was your fault. 20 <b>Q. What -- who were your</b> 21 <b>witnesses?</b> 22 <b>A.</b> The -- at the time, it was 23 the supply clerk and David Holland.</p>	<p style="text-align: right;">Page 259</p> <p>1 someone. I mean -- you know, I'm not a 2 dog or nothing, you know. I don't expect 3 to be treated that way. 4 <b>Q. You said he used profanity</b> 5 <b>with other people?</b> 6 <b>A.</b> Yes. 7 <b>Q. Okay.</b> 8 <b>A.</b> As my supervisor, yes, he 9 cussed me. 10 <b>Q. And when -- and he cussed</b> 11 <b>other people he supervised?</b> 12 <b>A.</b> I don't know. 13 <b>Q. I thought you just said he</b> 14 <b>used profanity with other people?</b> 15 <b>A.</b> I said he used profanity 16 around. I didn't say he cussed anyone. 17 I said he used profanity around other 18 people. I don't know that. All I know 19 is what he did to me. 20 <b>Q. Did you ever talk back to</b> 21 <b>him?</b> 22 <b>A.</b> Yes. We've had our bouts. 23 <b>Q. You said: I've been accused</b></p>
<p style="text-align: right;">Page 258</p> <p>1 <b>Q. And I'm sorry --</b> 2 <b>A.</b> Mr. Holland went to Ken and 3 told Ken that Jerry was wrong in what he 4 did and told him what he did and Mr. 5 Erickson says -- told him, well, I know 6 he did it, but, you know, Jerry is just 7 Jerry. 8 <b>Q. Did Mr. Temple cuss at other</b> 9 <b>people?</b> 10 <b>A.</b> Not to my knowledge. 11 <b>Q. You never heard him cuss at</b> 12 <b>anyone else?</b> 13 <b>A.</b> Not in that -- not in that 14 way, no. 15 <b>Q. In what way?</b> 16 <b>A.</b> The way that he cussed me. 17 <b>Q. What ways did he cuss other</b> 18 <b>people?</b> 19 <b>A.</b> As far as in cussing people, 20 not cussing them in general. But talking 21 to them using profanity, yes. 22 <b>Q. Okay.</b> 23 <b>A.</b> Not in the manner to belittle</p>	<p style="text-align: right;">Page 260</p> <p>1 of sleeping by supervisor and program 2 manager numerous times but never 3 documented. Do you know if you were 4 accused because the government saw you 5 sleeping and reported it to Honeywell? 6 <b>A.</b> Say that again. 7 <b>Q. Do you know if you were</b> 8 <b>accused because the government saw you</b> 9 <b>sleeping and reported it to Honeywell?</b> 10 <b>A.</b> I wasn't sleeping to begin 11 with. I mean, they accused me of that 12 and reported it. I don't even -- I don't 13 know if the report was actually accusing 14 me of sleeping. 15 <b>Q. Well, the e-mails we saw from</b> 16 <b>Mr. Leyh say that you were sleeping;</b> 17 <b>correct?</b> 18 <b>A.</b> Is that on that one -- yeah. 19 <b>Q. And then you say: Moved from</b> 20 <b>my position to a -- to -- in my section</b> 21 <b>to a lesser technical position. Are you</b> 22 <b>saying that's when you had the rotation</b> 23 <b>with Mr. Hines?</b></p>

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<p style="text-align: right;">Page 261</p> <p>1 A. Yes.</p> <p>2 Q. And you are saying: You give</p> <p>3 my job to a younger man with no</p> <p>4 experience. Mr. Hines was a range tech</p> <p>5 at the same time -- at that time as you</p> <p>6 were; right?</p> <p>7 A. Yes.</p> <p>8 Q. So he did have experience?</p> <p>9 A. No.</p> <p>10 Q. He didn't? He was a range</p> <p>11 tech with no experience, is that --</p> <p>12 A. Yes.</p> <p>13 Q. -- what you are saying?</p> <p>14 A. Yes.</p> <p>15 Q. You say: I have been here</p> <p>16 seven years and I am divi -- I don't know</p> <p>17 what that word is. It starts with a D.</p> <p>18 A. Are you on the first page</p> <p>19 still?</p> <p>20 Q. Um-hum (positive response).</p> <p>21 See where the sentence starts: I've been</p> <p>22 here seven years and I am something with?</p> <p>23 A. I don't even see where I've</p>	<p style="text-align: right;">Page 263</p> <p>1 A. David Holland.</p> <p>2 Q. When was David Holland hired?</p> <p>3 A. One year before I was.</p> <p>4 Q. And what was he hired as?</p> <p>5 A. He was hired as a laborer.</p> <p>6 Q. Okay.</p> <p>7 A. But he -- he was paid step-</p> <p>8 grade as a -- a light equipment operator.</p> <p>9 Q. Does he have a CDL?</p> <p>10 A. He eventually got a Class B.</p> <p>11 Q. And does the light equipment</p> <p>12 operator have -- require an educational</p> <p>13 minimum?</p> <p>14 A. No.</p> <p>15 Q. So what -- what is -- why are</p> <p>16 you making this statement?</p> <p>17 A. Because his job that he</p> <p>18 possesses now does.</p> <p>19 Q. But this -- you wrote this in</p> <p>20 -- in December of '04?</p> <p>21 A. That's right. And he was at</p> <p>22 that position at that time.</p> <p>23 Q. What position is that?</p>
<p style="text-align: right;">Page 262</p> <p>1 been here --</p> <p>2 Q. Eight lines from the bottom.</p> <p>3 A. From where, the bottom?</p> <p>4 Q. Right.</p> <p>5 A. Okay. Diversed.</p> <p>6 Q. I've been diversified in all</p> <p>7 areas of this facility?</p> <p>8 A. I didn't say been. I said:</p> <p>9 I am diversified in all areas of the</p> <p>10 facility.</p> <p>11 Q. What does that mean?</p> <p>12 A. That means that I can do</p> <p>13 every job out there.</p> <p>14 Q. You say: African-Americans</p> <p>15 hired in all required -- are all required</p> <p>16 to have educational requirements with no</p> <p>17 exceptions, when white man applies there</p> <p>18 are exceptions?</p> <p>19 A. That's right.</p> <p>20 Q. We currently have an</p> <p>21 individual hired with no high school</p> <p>22 education or GED in a highly skilled and</p> <p>23 educational position. Who is that?</p>	<p style="text-align: right;">Page 264</p> <p>1 A. What's his position title?</p> <p>2 Q. I don't -- I don't work at</p> <p>3 Honeywell. You tell me.</p> <p>4 A. He's a carpenter.</p> <p>5 Q. Okay.</p> <p>6 A. He has a Class B.</p> <p>7 Q. Does a carpenter have a</p> <p>8 minimal educational requirement?</p> <p>9 A. That position has one.</p> <p>10 Q. What is it?</p> <p>11 A. You have to have at least a</p> <p>12 GED, high school education or X amount of</p> <p>13 years, but -- and to work at any job at</p> <p>14 Honeywell, you have to have either a GED</p> <p>15 or a high school education.</p> <p>16 Q. You just said the job</p> <p>17 required a GED or experience equivalent,</p> <p>18 did you not?</p> <p>19 A. No, I never stated that. I</p> <p>20 never completed that equivalent.</p> <p>21 Q. Are you positive that the</p> <p>22 carpenter job has an education -- has a</p> <p>23 requirement of either a GED or five years</p>

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<p>1 experience?</p> <p>2 A. I'm not absolute.</p> <p>3 Q. Then you say: "Manger"</p> <p>4 continues to hire family members,</p> <p>5 sisters, brothers and nephews working</p> <p>6 directly with each other in the same</p> <p>7 section, Paula and Angie Bowman. Now,</p> <p>8 they are both in safety; correct?</p> <p>9 A. Yes.</p> <p>10 Q. They do not work under each</p> <p>11 other, do they?</p> <p>12 A. At times they do.</p> <p>13 Q. When do they ever report to</p> <p>14 each other?</p> <p>15 A. When Paula is -- is -- she</p> <p>16 gets the lead -- what's it called, shift</p> <p>17 leader position.</p> <p>18 Q. They never worked on the same</p> <p>19 shift is my understanding.</p> <p>20 A. They have.</p> <p>21 Q. How many times?</p> <p>22 A. I don't recall. I don't --</p> <p>23 I'm just --</p>	<p>1 investigation into the hiring practices</p> <p>2 needs to be done to ensure that future</p> <p>3 integrity and well-being of the fellow</p> <p>4 employees is not jeopardized because of</p> <p>5 -- what does that have to do with -- with</p> <p>6 your claim?</p> <p>7 A. This right here was my</p> <p>8 personal documentation. This never --</p> <p>9 Q. Okay. You never showed this</p> <p>10 to anybody?</p> <p>11 A. That's right.</p> <p>12 Q. Okay. And then you just</p> <p>13 summarize underneath here, is that what</p> <p>14 you did?</p> <p>15 A. Yes.</p> <p>16 Q. Now, you have number four:</p> <p>17 Refused to hire African-American equally,</p> <p>18 and you have a question mark out beside</p> <p>19 that. Why did you put a question mark</p> <p>20 out there?</p> <p>21 A. I wanted to require further</p> <p>22 investigation.</p> <p>23 Q. So you were investigating</p>
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<p>1 Q. Was it an exception?</p> <p>2 A. They have done it.</p> <p>3 Q. Do you know how many times?</p> <p>4 A. At least once.</p> <p>5 Q. And then the Engles brothers,</p> <p>6 is that Travis and Roger?</p> <p>7 A. Yes.</p> <p>8 Q. They have two different jobs?</p> <p>9 A. Yes.</p> <p>10 Q. And they don't report to each</p> <p>11 other?</p> <p>12 A. No.</p> <p>13 Q. And then Holland and nephew.</p> <p>14 Who is the nephew?</p> <p>15 A. That was Chris Holland.</p> <p>16 Q. Did they report to each</p> <p>17 other?</p> <p>18 A. At times they did.</p> <p>19 Q. Who reported to who?</p> <p>20 A. Chris reported to David.</p> <p>21 Q. What was Chris' job?</p> <p>22 A. Laborer.</p> <p>23 Q. Then you write: I feel</p>	<p>1 Honeywell at this point?</p> <p>2 A. On my own to -- to see if</p> <p>3 they were treating the African-Americans</p> <p>4 properly.</p> <p>5 Q. Is this like a secret</p> <p>6 journal?</p> <p>7 A. No. It's not a secret</p> <p>8 journal. If it was, you wouldn't --</p> <p>9 Q. You didn't show it to anyone,</p> <p>10 did you?</p> <p>11 A. It was my personal journal.</p> <p>12 Q. Well then -- okay. The</p> <p>13 position move placed on me has been</p> <p>14 humiliating, degrading and very</p> <p>15 "embrercing" to me?</p> <p>16 A. Embarrassing.</p> <p>17 Q. Okay. It's not spelled that</p> <p>18 way. Why was it humiliating and</p> <p>19 degrading to be transferred among ranges?</p> <p>20 A. The -- the way in which Ken</p> <p>21 went about doing it is -- is the -- his</p> <p>22 whole intentions was to -- to set me up</p> <p>23 to get me terminated to begin with.</p>

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<p style="text-align: right;">Page 269</p> <p>1 Q. How is that?</p> <p>2 A. Look at all what you've got</p> <p>3 there. It sums it up.</p> <p>4 Q. I'm asking you specifically:</p> <p>5 How was it humiliating and degrading to</p> <p>6 you to do a rotation shift on a range</p> <p>7 job?</p> <p>8 A. I felt -- I felt that he</p> <p>9 changed my position to humiliate me.</p> <p>10 Q. What do you base that on?</p> <p>11 A. I based it on the fact that</p> <p>12 he brought in a lesser individual as far</p> <p>13 as trained to -- to -- to change me over.</p> <p>14 Q. Does Mr. Hines have the</p> <p>15 disciplinary history you have?</p> <p>16 A. He has a disciplinary</p> <p>17 history.</p> <p>18 Q. Does he have the same -- as</p> <p>19 many as you do?</p> <p>20 A. Well, I've been there eight</p> <p>21 years. He's only been there four --</p> <p>22 three or four. But he has -- he has some</p> <p>23 serious violations --</p>	<p style="text-align: right;">Page 271</p> <p>1 (Brief recess.)</p> <p>2</p> <p>3 Q. (By Ms. Reiss) Mr. Young, do</p> <p>4 you have a CDL license?</p> <p>5 A. Not a license.</p> <p>6 Q. Okay.</p> <p>7 A. But I am -- I have a -- I'm</p> <p>8 taking the test Monday.</p> <p>9 Q. But you didn't have one when</p> <p>10 you worked at Honeywell?</p> <p>11 A. No.</p> <p>12 Q. So you couldn't have done a</p> <p>13 number of the jobs at Honeywell, correct,</p> <p>14 without a CDL license?</p> <p>15 A. The only one I couldn't do is</p> <p>16 drive a truck. As far as operating all</p> <p>17 the equipment, I could operate all the</p> <p>18 equipment. I've been trained in it.</p> <p>19 Q. Mr. -- you say here that Mr.</p> <p>20 Erickson told you that the government had</p> <p>21 a perception of you that you slept on the</p> <p>22 job; is that right?</p> <p>23 A. I said that?</p>
<p style="text-align: right;">Page 270</p> <p>1 Q. Have you --</p> <p>2 A. -- and award fee costs.</p> <p>3 Q. Have you had an award fee</p> <p>4 issue?</p> <p>5 A. No. Mine weren't -- didn't</p> <p>6 cost the award --</p> <p>7 Q. The government didn't --</p> <p>8 A. -- to my knowledge.</p> <p>9 Q. They didn't have to pay for</p> <p>10 -- to fix that truck that you --</p> <p>11 A. No. It came out of</p> <p>12 Honeywell's pocket, not the government's.</p> <p>13 Q. Is that not worse to come out</p> <p>14 of Honeywell's pocket?</p> <p>15 A. No. It didn't cost -- the</p> <p>16 award fee is worse.</p> <p>17 Q. It's all Honeywell's money,</p> <p>18 is it not?</p> <p>19 MR. BENNITT: Y'all want to</p> <p>20 take a break? I do.</p> <p>21 MS. REISS: Okay.</p> <p>22 MR. BENNITT: Take about ten.</p> <p>23</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Yes. In your notes?</p> <p>2 A. I don't -- I don't recall</p> <p>3 stating in there that Mr. Erickson said</p> <p>4 that. I said the supervisors.</p> <p>5 Q. The project manager informed</p> <p>6 certain individuals my move was because</p> <p>7 of a perception of a government employee</p> <p>8 I was sleeping on the job?</p> <p>9 A. Oh, yes. Yes. Okay.</p> <p>10 Q. Okay.</p> <p>11 A. My bad. That was absolute.</p> <p>12 Q. Now, I'm looking at this --</p> <p>13 I'm just going to show you this document</p> <p>14 right here. This is your handwriting;</p> <p>15 correct?</p> <p>16 A. Um-hum (positive response).</p> <p>17 Q. And you say: Before</p> <p>18 Christmas I made a complaint that I was</p> <p>19 being unfairly treated. Who -- is that</p> <p>20 when you called --</p> <p>21 A. Shawanda.</p> <p>22 Q. Okay. And that's Christmas</p> <p>23 2004?</p>



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1 A. I believe so.  
 2 Q. Do you know if Mr. Erickson  
 3 was ever alerted to that complaint?  
 4 A. I'm not aware.  
 5 Q. Do you have your complaint in  
 6 front of you?  
 7 A. This one (indicating)?  
 8 Q. Your complaint that you filed  
 9 with the Court.  
 10 A. Hang on.  
 11 Q. There it is. Okay. Why are  
 12 you living with your mother?  
 13 A. Why am I living with my  
 14 mother?  
 15 Q. (Nods head affirmatively.)  
 16 A. Because I'm separated from my  
 17 wife.  
 18 Q. Why don't you have your own  
 19 place?  
 20 A. At the time I didn't have  
 21 anywhere to go.  
 22 Q. You -- you didn't want to get  
 23 your own apartment or anything?

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1 A. Excuse me?  
 2 Q. You didn't want to get your  
 3 own apartment or anything?  
 4 A. At the time I wasn't  
 5 financially able to get my own apartment.  
 6 Q. Does your mother charge you  
 7 rent?  
 8 A. Yes.  
 9 Q. How much does she charge you  
 10 in rent?  
 11 A. I pay half the bills.  
 12 Q. What does that average out  
 13 to?  
 14 A. It fluctuates.  
 15 Q. What does that average out to  
 16 a month?  
 17 A. Seven hundred.  
 18 Q. On paragraph six of your  
 19 complaint, you say you failed to get a  
 20 promotion that you were qualified to  
 21 receive and the promotion was given to a  
 22 white male, Robert Hadley. Is that the  
 23 electronics job?

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1 A. Yes.  
 2 Q. And do you know who actually  
 3 had the high -- who had the highest score  
 4 overall for that job?  
 5 A. Yes.  
 6 Q. Who was that?  
 7 A. I did.  
 8 Q. Actually, no. A man named  
 9 Mr. Walls I believe had the highest  
 10 score. Were you aware of that?  
 11 A. Doug Riston informed me that  
 12 I had the highest score.  
 13 Q. On the test; correct?  
 14 A. On the test.  
 15 Q. Okay.  
 16 A. Yes.  
 17 Q. But that -- Mr. Walls  
 18 actually had the highest score on the  
 19 test. He was an outside applicant. Do  
 20 you know him?  
 21 A. No. I was informed by Mr.  
 22 Riston, who gave the test, that I had the  
 23 highest score.

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1 Q. Okay.  
 2 A. He told me this when the job  
 3 was handed out, that I didn't get the job  
 4 because he handed it to -- he gave it to  
 5 Robert Hadley, and I asked him who had  
 6 the highest score and he said, you did.  
 7 Q. Between you and Mr. Hadley;  
 8 is that correct?  
 9 A. No.  
 10 Q. Well, did he qualify it? Did  
 11 he say, you had the highest score of  
 12 everyone or did he --  
 13 A. I didn't ask him that.  
 14 Q. Okay. Now, do you -- did you  
 15 have the degree necessary for the job?  
 16 A. No, I didn't.  
 17 Q. Did Mr. Hadley?  
 18 A. The job asked for a degree or  
 19 equivalent experience. So I didn't have  
 20 the degree, but I had the experience. He  
 21 had the degree, but not the experience.  
 22 I scored highest on the test, between the  
 23 two of us, me and Mr. Hadley, as you say.

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<p style="text-align: right;">Page 277</p> <p>1 Q. Well, were you aware of Mr. 2 Hadley's experience outside -- he was an 3 outside applicant; correct? 4 A. Yes. 5 Q. Were you aware of his 6 experience outside of Honeywell? 7 A. Yes. 8 Q. When was Mr. Hines placed on 9 a year's probation? 10 A. Excuse me? 11 Q. When was Mr. Hines placed on 12 a year's probation? 13 A. When he had a serious safety 14 violation, he failed to lockout/tagout a 15 enter box, electrical box, which caused 16 him to have a -- get electrocuted and had 17 to be sent to the emergency room. 18 Q. How do you know he was placed 19 on a year's probation because of this? 20 A. Because they have what they 21 call the wall of fame where people who 22 get violations, safety, whatever, they 23 post it on the wall for everybody to see.</p>	<p style="text-align: right;">Page 279</p> <p>1 on a year's probation? 2 A. Okay. Chris told me he was 3 on a year's probation. Mr. Erickson told 4 me he was on a year's probation. I did 5 not see his form that said he was on a 6 year's probation. 7 Q. When did Mr. Erickson tell 8 you that, for the third time I've asked 9 that? 10 A. Thereafter, he was -- it was 11 -- it was -- it happened. A week after. 12 Q. Why was he talking to you 13 about Mr. Hines? 14 A. You'll have to ask him. 15 Q. Were you placed on a year's 16 probation when you violated a lockout/ 17 tagout? 18 A. At the time, that policy 19 wasn't in. 20 Q. Do you know if Mr. -- when 21 was he placed on this year's probation? 22 A. Ma'am, I don't -- 23 Q. According to you?</p>
<p style="text-align: right;">Page 278</p> <p>1 Q. And here's my question: How 2 do you know he was put on a year's 3 probation, because I do not have that 4 knowledge? 5 A. He was placed on a year's 6 probation. 7 Q. Where did you see that? 8 A. It was a safety violation. 9 Q. Where did you see he was 10 placed on a year's probation? 11 A. Mr. Erickson stated he was 12 put on a years. Chris stated he was put 13 on a years. 14 Q. When did Mr. Erickson state 15 he was placed on a year's probation? 16 A. For the safety violation. 17 Q. When did he say that? 18 A. Shortly thereafter. It came 19 out on -- on the brief. 20 Q. On the brief? 21 A. Not the brief, but the wall 22 of fame. 23 Q. It said Mr. Hines is placed</p>	<p style="text-align: right;">Page 280</p> <p>1 A. I don't know the exact date. 2 Q. Do you know if he's had any 3 other -- did he have -- 4 A. Yes. 5 Q. -- any other violations 6 within that year? 7 A. Yes. 8 Q. What year was it then? 9 A. '05. 10 Q. What other violations did he 11 have in '05? 12 A. He was transporting a piece 13 of iron on the back of a truck with -- 14 without the proper flagging and he was 15 cited for that. They were -- he was also 16 involved with Mr. Erickson's truck that 17 got hit by a moving piece of equipment 18 from the bay area. When it was 19 investigated by a safety individual from 20 Jacksonville, it was noted that Mr. 21 Erickson was at fault, so they decided 22 not to report it. 23 Q. Because it wasn't Mr. Hines'</p>

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<p>1 fault?</p> <p>2 A. Well, they stated it was all</p> <p>3 of their fault, Mr. Erickson for parking</p> <p>4 his car too close to the work area. So</p> <p>5 he decided not to report it to the</p> <p>6 government but give everybody</p> <p>7 disciplinary actions on it.</p> <p>8 Q. Have you ever seen Mr. Hines'</p> <p>9 file?</p> <p>10 A. No.</p> <p>11 Q. You state here that Mr. Hines</p> <p>12 grossly violated a safety procedure.</p> <p>13 Isn't it true that the machinery he was</p> <p>14 working on was wired differently than the</p> <p>15 other machinery?</p> <p>16 A. No.</p> <p>17 Q. And they've since made a</p> <p>18 chart of how these -- these mechanisms</p> <p>19 are wired?</p> <p>20 A. No.</p> <p>21 Q. You've never seen the chart</p> <p>22 that Mr. Lavar made of the mechanism he</p> <p>23 worked on?</p>	<p>1 of the mannequins is what it was, and the</p> <p>2 database. I didn't get this information</p> <p>3 until a month or two months afterwards</p> <p>4 when at termination they just stated that</p> <p>5 I was being terminated, and when I asked</p> <p>6 Mr. Erickson, he told me, you know, you</p> <p>7 are just terminated. And then -- I mean,</p> <p>8 I had to get it from Mr. Garrison and</p> <p>9 then they typed --</p> <p>10 Q. Mr. Garrett; correct?</p> <p>11 A. Garrett. I --</p> <p>12 Q. So which reason is it, poor</p> <p>13 performance supported by numerous</p> <p>14 write-ups or terminated because two</p> <p>15 mannequin pop-up targets were missing?</p> <p>16 A. You are asking me --</p> <p>17 Q. Yes.</p> <p>18 A. -- why it was?</p> <p>19 Q. It's your complaint. You</p> <p>20 wrote two different reasons for why you</p> <p>21 were terminated.</p> <p>22 A. The termination that I was</p> <p>23 given was inaccountability, which is for</p>
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<p>1 A. He made a mechanism for</p> <p>2 procedure on how to lockout/tagout a</p> <p>3 box. The box itself has never changed.</p> <p>4 It's wired the same.</p> <p>5 Q. It's wired differently than</p> <p>6 the other boxes, though; correct?</p> <p>7 A. No.</p> <p>8 Q. You state on page three of</p> <p>9 your complaint: Plaintiff alleges he was</p> <p>10 terminated after blank years on the job</p> <p>11 on May 30th, 2006. The reason given to</p> <p>12 him was poor performance supported by</p> <p>13 numerous write-ups. Then on the next</p> <p>14 page you say: Plaintiff alleges that the</p> <p>15 reason he was given for being terminated</p> <p>16 was two mannequin pop-up targets were</p> <p>17 missing. Which is it, the numerous</p> <p>18 write-ups or the mannequin pop --</p> <p>19 mannequins missing?</p> <p>20 A. Improper accountability and</p> <p>21 the mannequins.</p> <p>22 Q. So you are --</p> <p>23 A. It's improper accountability</p>	<p>1 the -- the two mannequins, and improper</p> <p>2 data entry, I guess.</p> <p>3 Q. And this was your third</p> <p>4 write-up in a year on these mannequins;</p> <p>5 correct?</p> <p>6 A. No.</p> <p>7 Q. The documentation speaks for</p> <p>8 itself. And you have cost the company</p> <p>9 money yourself, correct, in the past and</p> <p>10 were not terminated?</p> <p>11 A. No, I don't recall.</p> <p>12 Q. The truck accident?</p> <p>13 A. I -- if he says it. I mean,</p> <p>14 he wasn't here when it went on, so I say</p> <p>15 no.</p> <p>16 Q. You just told me Honeywell</p> <p>17 had to pay for that accident?</p> <p>18 A. I -- I was told Honeywell</p> <p>19 did, but I don't know who paid for it.</p> <p>20 Q. Well, somebody had to pay for</p> <p>21 it, didn't they?</p> <p>22 A. That's right.</p> <p>23 Q. And it wasn't you?</p>

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<p style="text-align: right;">Page 285</p> <p>1 A. No, it wasn't.</p> <p>2 Q. And you caused that accident;</p> <p>3 correct?</p> <p>4 A. That's right.</p> <p>5 Q. But you want Mr. Hines to be</p> <p>6 fired for being injured on a lockout/</p> <p>7 tagout situation, but you don't think you</p> <p>8 should have been fired for the car</p> <p>9 accident, the truck accident?</p> <p>10 A. I didn't say I wanted Mr.</p> <p>11 Hines fired for that. I just said he --</p> <p>12 Q. You compared --</p> <p>13 A. I just said he was not</p> <p>14 terminated for that infraction.</p> <p>15 Q. You did not note that the</p> <p>16 mannequins were taken out of inventory on</p> <p>17 the 3318 sheet, were you?</p> <p>18 A. I don't recall. If the</p> <p>19 inventory was to be done properly, I</p> <p>20 should have been on-site to -- to justify</p> <p>21 whether they were or not. Mr. Clay was</p> <p>22 there by himself.</p> <p>23 Q. Mr. Clay is a black male?</p>	<p style="text-align: right;">Page 287</p> <p>1 saying that you were --</p> <p>2 A. I'm saying --</p> <p>3 Q. -- terminated based on your</p> <p>4 race and I'm saying does Mr. Clay have a</p> <p>5 vendetta against you because of your</p> <p>6 race?</p> <p>7 A. I'm saying Mr. Erickson sent</p> <p>8 Clay down there to do that.</p> <p>9 Q. How do you know that?</p> <p>10 Doesn't the government contract require</p> <p>11 ten percent inventories on a monthly</p> <p>12 basis?</p> <p>13 A. Scheduled by Mr. Erickson.</p> <p>14 Q. How did he know what Mr. Clay</p> <p>15 was going to find?</p> <p>16 A. Why wasn't I present?</p> <p>17 Q. I don't know why you left</p> <p>18 McDonald's wrappers in your truck</p> <p>19 either. I can't answer questions for</p> <p>20 you. I'm asking you: How did he know</p> <p>21 what Mr. Clay was going to find?</p> <p>22 A. He didn't.</p> <p>23 Q. Okay.</p>
<p style="text-align: right;">Page 286</p> <p>1 A. Yes, he is.</p> <p>2 Q. And he's the one who noticed</p> <p>3 the discrepancy?</p> <p>4 A. He was the only one there.</p> <p>5 Q. Are you saying that Mr. Clay</p> <p>6 has something against you because of your</p> <p>7 race?</p> <p>8 A. No. What I'm saying is if it</p> <p>9 was a proper inventory, that two</p> <p>10 individuals would be there to -- that are</p> <p>11 involved to conduct it, not one</p> <p>12 individual. The government requires that</p> <p>13 it be done with Honeywell and with the</p> <p>14 government. I mean, it could have been</p> <p>15 twenty of them, for all I know. He could</p> <p>16 have said twenty were missing.</p> <p>17 Q. Well, so you are saying Mr.</p> <p>18 Clay lied?</p> <p>19 A. I'm not -- I'm saying that I</p> <p>20 was not present --</p> <p>21 Q. Okay. And this --</p> <p>22 A. -- for the accountability.</p> <p>23 Q. But I'm asking you -- you are</p>	<p style="text-align: right;">Page 288</p> <p>1 A. But my termination was based</p> <p>2 on Mr. Clay's evaluation; right?</p> <p>3 Q. I'm not here to answer your</p> <p>4 questions. I'm here to ask them. Okay.</p> <p>5 You say here that -- on page five of your</p> <p>6 complaint: Plaintiff alleges that he was</p> <p>7 put on a year's probation for one year</p> <p>8 for not filling out a PMCS form before</p> <p>9 driving his truck, in contraindication to</p> <p>10 the written company policy which calls</p> <p>11 for a written warning. You were given a</p> <p>12 written warning for that violation?</p> <p>13 A. For which violation?</p> <p>14 Q. For not having your PMCS</p> <p>15 forms; correct?</p> <p>16 A. Yes.</p> <p>17 Q. It doesn't prohibit him from</p> <p>18 putting you on probation with the written</p> <p>19 warning for a year, does it, the</p> <p>20 disciplinary policy?</p> <p>21 A. Does not what?</p> <p>22 Q. Prohibit him from putting you</p> <p>23 on probation with that written warning?</p>

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<p style="text-align: right;">Page 289</p> <p>1 In fact, Honeywell's disciplinary policy 2 states on the second page: The company 3 reserves the exclusive right to 4 interpret, administer and apply this 5 policy, to make exceptions to it and to 6 change the policy at any time and for any 7 reason; is that correct? 8 A. That's correct. 9 Q. Mr. Culpepper, you stated, 10 had six preventive maintenance violations 11 before he was terminated. How do you 12 know that? 13 A. Because when he gets a 14 violation, then it's noted. 15 Q. But they weren't all 16 preventive maintenance violations, were 17 they? 18 A. Yes. 19 Q. Have you seen his personnel 20 file? 21 A. No. 22 Q. And then you state in your 23 complaint that you were suspended for</p>	<p style="text-align: right;">Page 291</p> <p>1 Mr. Lavar. 2 Q. Did he note that in his 3 write-up, that you had gotten permission 4 from Mr. Temple to leave a gas -- a 5 blower full of gas in a truck with -- 6 with spray paint and oil cans? 7 A. Did he note it? 8 Q. Did he note that Mr. Temple 9 gave you that permission? 10 A. Did he know that, yes. 11 Q. Did he note it in his 12 write-up? 13 A. Evidently not. No, I don't 14 see it. 15 Q. And you are stating under 16 oath that you told Mr. Lavar that Mr. 17 Temple said you could do that? 18 A. Yes. 19 Q. You said earlier that your 20 helper had put it in there without your 21 knowledge. Which is it, Mr. Young, did 22 your helper put it in the truck or did 23 Mr. Temple give you permission to do it?</p>
<p style="text-align: right;">Page 290</p> <p>1 five days in January of '06 for having a 2 Coke can and a candy wrapper in the 3 truck. Now, that's not true, is it? 4 A. Yes, it is. 5 Q. You also had a blower full of 6 gasoline in the truck? 7 A. The blower wasn't assigned to 8 me. 9 Q. But the truck was assigned to 10 you, was it not? 11 A. The truck was assigned to me. 12 Q. And the blower full of gas 13 was in the truck; correct? 14 A. I was -- I was given 15 permission to leave the blower in my 16 truck. 17 Q. Who gave you that permission? 18 A. Jerry Temple. 19 Q. Did you tell Mr. Lavar that? 20 A. He knew that. 21 Q. Did you tell Mr. Lavar that? 22 A. Mr. Lavar didn't ask me until 23 after the infraction. But, yes, I told</p>	<p style="text-align: right;">Page 292</p> <p>1 A. The truck -- 2 Q. You are under oath, Mr. 3 Young. 4 A. Yes, ma'am. Can I answer? 5 Q. I think you've committed 6 perjury at this point. 7 A. No, ma'am. If you will let 8 me explain. 9 Q. Try to get out of this one. 10 I'm ready. 11 A. I checked that truck out 12 every day. I had a blower in my truck 13 every day when I was by myself. That 14 blower was in my truck every day signed 15 to me. The time that this incident 16 occurred, my helper, Uti, had to get the 17 -- the blower and sign it out and -- and 18 bring it to the truck. 19 Q. I thought you said Mr. Temple 20 gave you permission to keep it in the 21 truck? 22 A. He had given me permission to 23 leave it in the truck.</p>

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1 Q. Full of gas?  
 2 A. It -- I had been leaving it  
 3 in the truck, whether it was full of  
 4 gas. He didn't say, leave it full of  
 5 gas. I just left it full of gas.  
 6 Q. Okay.  
 7 A. He didn't say not to --  
 8 Q. You just said --  
 9 A. He didn't say not to leave it  
 10 full of gas.  
 11 Q. You would agree that it is  
 12 absolutely dangerous to leave a gas  
 13 blower full of gas in the cab of your  
 14 truck with oil and paint cans in it?  
 15 A. No.  
 16 Q. You wouldn't agree with me?  
 17 A. No. It's -- it's at the end  
 18 of the day when no one is in the truck.  
 19 It's when it's locked up. The next  
 20 morning I come back, I get it out and I  
 21 put it in the back of my truck. So, no,  
 22 it's not dangerous. Who is -- there's no  
 23 hazard.

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1 Q. Is this -- was that  
 2 considered a safety violation?  
 3 A. They wrote it down as a  
 4 safety violation.  
 5 Q. And in accordance with the  
 6 disciplinary policy, a major safety  
 7 violation, second event -- offense calls  
 8 for a suspension of a week; is that  
 9 correct?  
 10 A. If they want to do that.  
 11 Q. And that -- but you state in  
 12 your complaint that the disciplinary  
 13 policy calls for a verbal warning. That  
 14 is not true, is it?  
 15 A. If that's what it says.  
 16 Q. So so far in this complaint  
 17 we've found at least three statements  
 18 that are absolutely untrue?  
 19 A. If that's what you say.  
 20 Q. No. That's what you filed  
 21 with the Court. I didn't say any of  
 22 this. You filed this with the Court.  
 23 How many trucks are on-site at Honeywell?

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1 A. That belong to Honeywell and  
 2 the government?  
 3 Q. Or that y'all work with,  
 4 either government trucks or Honeywell  
 5 trucks that the Honeywell employees work  
 6 with?  
 7 A. There's probably seven,  
 8 eight.  
 9 Q. And you state here you've  
 10 seen thousands of trucks after working  
 11 hours with trash in them. How can that  
 12 be?  
 13 A. They would be the  
 14 government's trucks, Honeywell's trucks  
 15 over a period of whatever, eight years  
 16 I've been there.  
 17 Q. But you know it's a policy to  
 18 clean up the truck; correct? You are  
 19 responsible for cleaning up that truck;  
 20 correct?  
 21 A. Yes.  
 22 Q. It's not a big deal, is it?  
 23 A. No.

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1 Q. Okay.  
 2 A. It's not.  
 3 Q. Who was given a lesser  
 4 discipline for something that you were  
 5 disciplined for?  
 6 A. I can't recall.  
 7 Q. The -- when you were -- you  
 8 noted here you were falsely accused of  
 9 violence in the workplace. You were  
 10 never disciplined or reprimanded for that  
 11 accusation, were you?  
 12 A. No.  
 13 Q. You didn't suffer any adverse  
 14 act because of that --  
 15 A. Oh yes, I did.  
 16 Q. What? What was that?  
 17 A. The idea that they were  
 18 accusing me of something I didn't do to  
 19 begin with, the -- the fact that if, in  
 20 fact, it went through for the two weeks  
 21 of the investigation not knowing I could  
 22 lose my nursing license because of the --  
 23 the criminal act. Yes, I was -- I was --

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## FREEDOM COURT REPORTING

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<p>1 Q. But none of that happened; 2 correct? 3 A. Yes, I was distraught over 4 it. 5 Q. But none -- you didn't -- you 6 didn't lose your nursing license? 7 A. No. Had I not have put up 8 the fight, I could have. 9 Q. How come you haven't gone to 10 see any kind of psychiatrist or 11 psychologist regarding your termination 12 from Honeywell? 13 A. I guess I'm in denial. 14 Q. I thought you said things 15 were getting better? 16 MR. BENNITT: Don't guess. 17 A. They are starting, first of 18 the year it's getting better. 19 Q. You've been terminated from 20 other jobs. Why is this one different? 21 A. The other ones wasn't 22 racially discriminating. 23 Q. You did not work for five</p>	<p>1 before you signed them? 2 A. Yes. 3 Q. You made a telephone inquiry 4 to Hartford Health Care? 5 A. Yes. 6 Q. And that's it, you didn't 7 fill out an application? 8 A. No. 9 Q. Who did you speak with at 10 Hartford? 11 A. The human resource person. I 12 didn't document a name. 13 Q. Oakview Manor, you didn't 14 fill out an application? 15 A. No. Phone inquiry. 16 Q. Laura Oaks is Laurel Oaks? 17 A. (Nods head affirmatively.) 18 Q. And you only put in an 19 application there? 20 A. Yes. 21 Q. Even though you told Mr. 22 Lavar you had a job there? 23 A. Yes.</p>
Page 298	Page 300
<p>1 months after you were terminated; is that 2 correct? 3 A. Yes. 4 Q. You just collected 5 unemployment? 6 A. Yes. 7 Q. How did you pay your seven 8 hundred dollar rent bill to your mother? 9 A. I had savings. 10 Q. Do you pay child support? 11 A. No. 12 Q. How -- what do you do to 13 support your children? 14 A. They stay with me half the 15 time. 16 Q. You say you applied at 17 Hartford Health Care for an -- what's an 18 LPH job? 19 A. Never heard of such. 20 Q. It's in your answers that you 21 signed. 22 A. Should be LPN. 23 Q. Did you review your answers</p>	<p>1 Q. Transmatic Transmission. 2 What experience did you have with being 3 -- did you have experience as a mechanic? 4 A. Yes. 5 Q. Do you have race cars or 6 you've had race cars in the past? 7 A. Yes. 8 Q. Do you currently have race 9 cars? 10 A. Yes. 11 Q. How many? 12 A. One. 13 Q. When did you get that? 14 A. 2000. That particular one or 15 all -- all the -- 16 Q. Well, you said you have just 17 one now? 18 A. I have one that's a race car 19 and then I have a chassis of a race car, 20 but, I mean, it's not a race car. 21 Q. How many race cars have you 22 had at one time, the most that you've had 23 at one time?</p>

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<p>1 A. Two.</p> <p>2 Q. And you just -- you didn't</p> <p>3 fill out an application at Transmatic</p> <p>4 Transmission?</p> <p>5 A. No.</p> <p>6 Q. Wiggins Customs?</p> <p>7 A. Right.</p> <p>8 Q. You didn't fill out an</p> <p>9 application?</p> <p>10 A. Walk-in.</p> <p>11 Q. Fred Hill Motors, you didn't</p> <p>12 fill out an application?</p> <p>13 A. Walk-in.</p> <p>14 Q. And then Terry -- we talked</p> <p>15 about Terry Adkins earlier; correct?</p> <p>16 A. Correct.</p> <p>17 Q. Do you have experience in</p> <p>18 concrete finishing?</p> <p>19 A. As a helper, yes.</p> <p>20 Q. When did you do that?</p> <p>21 A. What do you mean when did I</p> <p>22 do that?</p> <p>23 Q. When were you a helper in</p>	<p>1 Q. What does -- what does that</p> <p>2 mean?</p> <p>3 A. That cuts the tree down.</p> <p>4 Q. And also during this time you</p> <p>5 were collecting unemployment?</p> <p>6 A. No.</p> <p>7 Q. I believe you said your</p> <p>8 unemployment ended in December; is that</p> <p>9 correct?</p> <p>10 A. There -- I believe it was in</p> <p>11 December or November. I don't know which</p> <p>12 one.</p> <p>13 Q. So you were working while you</p> <p>14 were collecting unemployment?</p> <p>15 A. Somewhat.</p> <p>16 Q. Do you know if that's</p> <p>17 illegal?</p> <p>18 A. No, I didn't.</p> <p>19 Q. How could you collect</p> <p>20 unemployment if you are working? You are</p> <p>21 not unemployed?</p> <p>22 A. Well, there was days I was</p> <p>23 working and days I wasn't working.</p>
Page 302	Page 304
<p>1 concrete finishing?</p> <p>2 A. Off and on during the -- the</p> <p>3 time that I was terminated from -- as far</p> <p>4 as helping Carnell, and then he -- I was</p> <p>5 going to see if I could work on with him,</p> <p>6 he never needed anyone. I was basically</p> <p>7 helping him on-site.</p> <p>8 Q. And he wasn't paying you?</p> <p>9 A. No.</p> <p>10 Q. You were just volunteering?</p> <p>11 A. To get some experience, yes.</p> <p>12 Q. Ricky Presley Construction,</p> <p>13 you didn't fill out an application?</p> <p>14 A. No.</p> <p>15 Q. So for five months you</p> <p>16 couldn't find a job?</p> <p>17 A. No.</p> <p>18 Q. But you started working in</p> <p>19 November for this logging company?</p> <p>20 A. Yes.</p> <p>21 Q. What were you doing for R&amp;S</p> <p>22 Logging?</p> <p>23 A. I was running a cutter.</p>	<p>1 That's piecework when you are working in</p> <p>2 the -- in the woods. It's not by the</p> <p>3 hour or whatever. There would be days</p> <p>4 you work and days you don't work.</p> <p>5 Q. Did you report your income to</p> <p>6 the unemployment office?</p> <p>7 A. My income?</p> <p>8 Q. Yeah. On the days you</p> <p>9 worked?</p> <p>10 A. No.</p> <p>11 Q. Now you have your own logging</p> <p>12 truck; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Why did you leave R&amp;S?</p> <p>15 A. I didn't leave R&amp;S until a</p> <p>16 week ago. I believe it was a week or</p> <p>17 two.</p> <p>18 Q. It says here that you've been</p> <p>19 there four weeks -- self-employed for</p> <p>20 four weeks as of the time you gave us</p> <p>21 this, which was --</p> <p>22 A. No. It should have been -- I</p> <p>23 was working at R&amp;S Logging and I</p>

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## FREEDOM COURT REPORTING

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<p>1 purchased a truck to work in with R&amp;S  2 Logging, so I was working both sides.  3 <b>Q. And now you're self-employed?</b>  4 A. Yeah.  5 <b>Q. As of a week ago?</b>  6 A. Two weeks, really.  7 <b>Q. How much did this truck cost?</b>  8 A. The truck cost twenty-six  9 thousand.  10 <b>Q. Where did you get the funds</b>  11 <b>for the truck?</b>  12 A. I borrowed the money.  13 <b>Q. From who?</b>  14 A. A friend.  15 <b>Q. Who is the friend?</b>  16 A. Mooney Motor Sports out of  17 Marietta, Georgia.  18 <b>Q. Money Motor Sports?</b>  19 A. Mooney.  20 <b>Q. Mooney - say that again. I'm</b>  21 <b>sorry.</b>  22 A. Mooney Motor Sports.  23 <b>Q. So that's a business?</b></p>	<p>1 (Whereupon, Defendant's Exhibit No. 52  2 was marked for identification, and same  3 is attached hereto.)  4  5 THE WITNESS: Why did we  6 provide her with the expense documents?  7 MR. BENNITT: Everything you  8 and I say is privileged. You don't ask  9 me questions in front of --  10 THE WITNESS: Okay.  11 MS. REISS: Okay. Mr.  12 Bennitt, why did you provide me with  13 these expense documents? I don't see how  14 Honeywell is in any way responsible.  15 MR. BENNITT: No. That's  16 part of his expenses to run his  17 business.  18 MS. REISS: Well, what does  19 that have to do with Honeywell?  20 MR. BENNITT: Nothing. It  21 just has to do with whether or not he's  22 making money at his job. See what I'm  23 trying to say? When he became an</p>
Page 306	Page 308
<p>1 A. He's an LLC.  2 <b>Q. Who is he behind the LLC?</b>  3 A. Blaine B. Mooney.  4 <b>Q. What did you give him as</b>  5 <b>collateral?</b>  6 A. I didn't give him anything  7 for collateral.  8 MR. BENNITT: Not even the  9 truck?  10 A. He's -- he's a lienholder.  11 Oh, my bad.  12 MR. BENNITT: Listen to the  13 questions.  14 MS. REISS: Don't coach him  15 at this point. It's too late now.  16 A. He's the lienholder.  17 <b>Q. I was confused. Why did you</b>  18 <b>give me these -- why did you produce to</b>  19 <b>me these documents -- and maybe your</b>  20 <b>attorney can help me with this one, Mr.</b>  21 <b>Bennitt. I don't understand why you</b>  22 <b>provided me with these expense documents?</b>  23</p>	<p>1 independent contractor with the logging  2 truck, those are his expenses that go  3 with the money he brought in.  4 MS. REISS: And these show  5 that he became -- oh. I'm confused.  6 MR. BENNITT: Well, let me  7 see that. Let me see why I --  8 MS. REISS: Woe. Woe. Woe.  9 <b>Q. When did you become an</b>  10 <b>independent contractor?</b>  11 MS. REISS: You mean when he  12 owned -- when he opened his business?  13 MR. BENNITT: I had better  14 look at them and see exactly what they  15 are.  16 MS. REISS: Here. Here's a  17 copy. Because according to him, he only  18 started opening his own business two  19 weeks ago.  20 A. No.  21 <b>Q. That's what you just</b>  22 <b>testified --</b>  23 A. That's when I -- I no longer</p>

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<p>1 worked for R&amp;S Logging.  2 <b>Q. Right. That's what I'm</b>  3 <b>saying.</b>  4 A. I haven't -- but the --  5 MR. BENNITT: Yeah, that's  6 what -- what it is, Young Trucking.  7 THE WITNESS: The truck  8 was --  9 MS. REISS: And it starts in  10 January and he said he didn't have his  11 own business --  12 MR. BENNITT: Well, I was  13 gone to get a cup of coffee.  14 <b>Q. When did -- Young Trucking is</b>  15 <b>your business; right?</b>  16 A. Yes.  17 <b>Q. And that started two weeks</b>  18 <b>ago?</b>  19 A. No.  20 <b>Q. That's what you testified to</b>  21 <b>earlier?</b>  22 A. No. The business is  23 documented there at the first of January,</p>	<p>1 A. No. I borrowed --  2 <b>Q. Where did you borrow that</b>  3 <b>money?</b>  4 A. I borrowed twenty-eight  5 thousand from Mooney Motor Sports.  6 <b>Q. Um-hum (positive response).</b>  7 A. I had the additional monies  8 saved up to go with the thirty thousand  9 start-up.  10 <b>Q. Okay.</b>  11 A. So the company start-ups with  12 thirty thousand.  13 <b>Q. So you no longer work for R&amp;S</b>  14 <b>as of January?</b>  15 A. No.  16 <b>Q. You did?</b>  17 A. As of two weeks ago.  18 <b>Q. Then why -- okay. Well,</b>  19 <b>explain to me -- I don't understand and</b>  20 <b>it's late. Why does that say Young</b>  21 <b>Trucking and it's January?</b>  22 A. Young Trucking is my truck.  23 I purchased the truck first of January --</p>
Page 310	Page 312
<p>1 I think, or thereof. Is it --  2 <b>Q. Um-hum (positive response).</b>  3 <b>That's right.</b>  4 A. Yeah.  5 <b>Q. And that's when you started</b>  6 <b>your own business?</b>  7 A. That's when the truck went  8 into business.  9 <b>Q. And that's when you started</b>  10 <b>your own business?</b>  11 A. Yes. The truck is mine.  12 <b>Q. And you said start-up, in the</b>  13 <b>corner, thirty thousand dollars; is that</b>  14 <b>correct?</b>  15 A. That's correct.  16 <b>Q. That's the start-up of the</b>  17 <b>business cost?</b>  18 A. Yes.  19 <b>Q. So you borrowed this thirty</b>  20 <b>thousand dollars from Mooney Motor</b>  21 <b>Sports --</b>  22 A. No.  23 <b>Q. -- LLC?</b></p>	<p>1 well, no. The truck was purchased before  2 January. It did not go into business  3 until the first of January. I was  4 working R&amp;S Logging at the same time as I  5 owned the truck.  6 <b>Q. So you were doing both?</b>  7 A. Yes.  8 <b>Q. And you quit R&amp;S two weeks</b>  9 <b>ago?</b>  10 A. Yes.  11 <b>Q. Okay.</b>  12 A. But my truck is still --  13 <b>Q. Got it.</b>  14 A. -- with R&amp;S.  15 <b>Q. And you have drivers who</b>  16 <b>drive it for you?</b>  17 A. Yes.  18 <b>Q. Glad we got that cleared up.</b>  19 <b>All right. So these receipts that you</b>  20 <b>gave me, like January on where you made</b>  21 <b>fourteen hundred dollars --</b>  22 A. That's Young Trucking.  23 <b>Q. Who -- they gave you this</b></p>

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<p style="text-align: right;">Page 313</p> <p>1 check?</p> <p>2 A. Yes.</p> <p>3 Q. And then you have to take the</p> <p>4 expenses out?</p> <p>5 A. No. Well --</p> <p>6 Q. Right?</p> <p>7 A. Yes. This is -- this is a</p> <p>8 gross --</p> <p>9 Q. Okay.</p> <p>10 A. Right. And then I pay my --</p> <p>11 Q. And this is your calculation</p> <p>12 of the expenses?</p> <p>13 A. Right.</p> <p>14 Q. So you let them use your</p> <p>15 truck basically?</p> <p>16 A. No.</p> <p>17 Q. No?</p> <p>18 A. They contract me to haul</p> <p>19 their wood for them.</p> <p>20 Q. And now you no longer haul,</p> <p>21 you have other people haul?</p> <p>22 A. I never did haul. I've had a</p> <p>23 driver from day one.</p>	<p style="text-align: right;">Page 315</p> <p>1 Q. Can you tell me why you</p> <p>2 provided me with all of these receipts,</p> <p>3 Exhibit No. 53?</p> <p>4 A. For the same reason you got</p> <p>5 the other receipts, to show expenses.</p> <p>6 Q. You provided me with a</p> <p>7 receipt for two twenty-nine for Twizzlers</p> <p>8 from Rite-Aid?</p> <p>9 A. That's expenses.</p> <p>10 Q. Is that an expense?</p> <p>11 A. Yes.</p> <p>12 MR. BENNITT: What is a</p> <p>13 Twizzlers?</p> <p>14 MS. REISS: It's licorice.</p> <p>15 THE WITNESS: It's lunch.</p> <p>16 MR. BENNITT: Sure it doesn't</p> <p>17 have nothing to do with the -- the</p> <p>18 logging industry?</p> <p>19 THE WITNESS: That was my</p> <p>20 lunch.</p> <p>21 MR. BENNITT: Maybe it's a</p> <p>22 kind of scrap or -- you know, who knows.</p> <p>23 I'm sure it's licorice.</p>
<p style="text-align: right;">Page 314</p> <p>1 Q. So what do you do -- oh, and</p> <p>2 you are no longer trimming for them?</p> <p>3 A. Right.</p> <p>4 Q. What do you do now during the</p> <p>5 day?</p> <p>6 A. Nothing.</p> <p>7 Q. Sounds pretty good. All</p> <p>8 right. Have you thought about getting</p> <p>9 another job?</p> <p>10 A. Yes.</p> <p>11 Q. Well, what are you thinking</p> <p>12 about doing?</p> <p>13 A. Buying another truck and</p> <p>14 driving it.</p> <p>15 Q. You didn't need a C -- okay.</p> <p>16 A. Yes, I do need a CDL.</p> <p>17 Q. Okay. That's why you are</p> <p>18 getting your CDL license?</p> <p>19 A. That's right.</p> <p>20</p> <p>21 (Whereupon, Defendant's Exhibit No. 53</p> <p>22 was marked for identification, and same</p> <p>23 is attached hereto.)</p>	<p style="text-align: right;">Page 316</p> <p>1 Q. Okay. Why do I have these</p> <p>2 overweight assessment citations?</p> <p>3 A. It's an expense.</p> <p>4 Q. Because your drivers don't</p> <p>5 watch how much their haul weigh?</p> <p>6 A. Yeah. And I -- and I have to</p> <p>7 pay it.</p> <p>8 MS. REISS: Are you kidding</p> <p>9 me, Jeff? I'm getting his citations for</p> <p>10 his business?</p> <p>11 MR. BENNITT: I just turned</p> <p>12 over the documents.</p> <p>13 Q. I mean, all this says to me</p> <p>14 is that your drivers don't pay attention</p> <p>15 to the law or somebody is not training</p> <p>16 them to pay attention to the law.</p> <p>17 A. That's why I don't have that</p> <p>18 driver anymore.</p> <p>19 Q. Well, it's three different</p> <p>20 drivers as far as I can tell. We have</p> <p>21 Jeff Hawk, Robert Douglas and --</p> <p>22 A. Two different -- two</p> <p>23 different drivers.</p>

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<p style="text-align: right;">Page 317</p> <p>1 Q. And Robert -- no. Robert 2 Phillips. There's three different names 3 on here. 4 A. But they are the same if you 5 look at the driver's license number. 6 Phillips and Robert are the same. Hawk 7 is the other one. 8 Q. Why does Robert -- why does 9 Robert have two last names? 10 A. Because whoever inputted it 11 in the computer made an entry -- 12 Q. An error. Okay. All right. 13 MS. REISS: These don't come 14 to Honeywell. 15 MR. BENNITT: No. 16 MS. REISS: All right. Okay. 17 We would agree on that. 18 19 (Brief recess.) 20 21 EXAMINATION BY MR. BENNITT: 22 Q. What's -- please identify 23 Plaintiff's Exhibit No. 1?</p>	<p style="text-align: right;">Page 319</p> <p>1 that. Well, I'll be darn. Well, let's 2 see. We've got two out of three there. 3 Q. Do you know what -- let's go 4 back to Plaintiff's Exhibit No. 1. What 5 -- when it says March 2005, do you know 6 which one he's talking about? Okay. 7 He's talking for sure about Defendant's 8 Nos. 46 and 48; correct? 9 A. Correct. 10 Q. And now he's got March 2005. 11 Do you -- we've been here all day -- 12 A. March 3rd, 2005. That's 13 going to be -- that's going to be when 14 the -- the PMCS on the truck. 15 Q. Well, this -- this is -- 16 isn't that the toolbox thing on the 17 truck? 18 A. No. 19 Q. Okay. Now, you -- this -- 20 this right here, January the 26th, okay, 21 is -- 22 A. Of '06. 23 Q. Is right there?</p>
<p style="text-align: right;">Page 318</p> <p>1 (Whereupon, Plaintiff's Exhibit No. 1 was 2 marked for identification, and same is 3 attached hereto.) 4 5 A. This is Jim -- from Jim 6 Garrett, reference, termination. 7 Q. And does it list the -- the 8 reasons that the company gives for your 9 termination? 10 A. Yes. 11 Q. And does it list in that 12 document these -- Defendant's Exhibit No. 13 No. 46 -- I'm sorry, Defendant's Exhibit 14 Nos. 46, 48 -- 15 MS. REISS: And? 16 Q. And Defendant's Exhibit -- I 17 forgot to write this one down. This is 18 the March 2005 write-up, which is 19 referenced in that Plaintiff's Exhibit 20 No. 1. 21 MS. REISS: Actually, it says 22 March 2003. 23 MR. BENNITT: Let me see</p>	<p style="text-align: right;">Page 320</p> <p>1 A. Yes. 2 Q. And this is Defendant's No. 3 46? 4 A. Um-hum (positive response). 5 Yes. 6 Q. All right. Now, what do you 7 mean by PMC on the truck? Did I say PMC? 8 MS. REISS: S. 9 A. PMCS. 10 Q. PMCS. Have you got -- can 11 you look -- look in there and see if you 12 can't find the March 2005 disciplinary. 13 MS. REISS: Here it is. He 14 signed it. 15 MR. BENNITT: And that was 16 Exhibit -- 17 THE WITNESS: March 2005? 18 19 (Off-the-record discussion.) 20 21 THE WITNESS: Is that it? 22 MR. BENNITT: That's it. 23 Exhibit No. 41.</p>

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<p>1 MS. REISS: All right.</p> <p>2 MR. BENNITT: Got that --</p> <p>3 Madam Court Reporter got those three?</p> <p>4 Okay. So these are the three they are</p> <p>5 talking about, correct, Nos. 48, 46 and</p> <p>6 41; correct?</p> <p>7 A. Correct.</p> <p>8 Q. That's what they say you got</p> <p>9 terminated over; right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 MS. REISS: Watch your</p> <p>13 leading.</p> <p>14 MR. BENNITT: Oh.</p> <p>15</p> <p>16 (Off-the-record discussion.)</p> <p>17</p> <p>18 MS. REISS: I just want to</p> <p>19 make sure I'm seeing what I'm seeing.</p> <p>20 Q. Okay. Do you -- are you</p> <p>21 ready for the next question?</p> <p>22 A. Ready.</p> <p>23 Q. I'm going to show you this</p>	<p>1 Q. There may be -- they may</p> <p>2 exist but you've just never seen them; is</p> <p>3 that right?</p> <p>4 A. I've never seen them.</p> <p>5 Q. Well, have you ever heard</p> <p>6 from anybody who said that there was a</p> <p>7 drop-off time for stuff being knocked out</p> <p>8 of your file, you personnel file?</p> <p>9 A. Yes. Yes.</p> <p>10 Q. And what -- first of all,</p> <p>11 what -- who did you hear it from?</p> <p>12 A. Jimmy Hodges.</p> <p>13 Q. What did -- what did he say?</p> <p>14 A. He told me that after every</p> <p>15 two years that the file was cleaned out,</p> <p>16 personnel file.</p> <p>17 Q. Did -- did you ever see a</p> <p>18 written policy on that?</p> <p>19 A. No.</p> <p>20 Q. You were asked whether or not</p> <p>21 Mr. Temple had any input in your</p> <p>22 termination sometime in this deposition?</p> <p>23 A. Yes.</p>
Page 322	Page 324
<p>1 one, this is the Honeywell -- and I don't</p> <p>2 have the number on this one either.</p> <p>3 A. It's up at the top, No. 23.</p> <p>4 Q. Yeah. No. 23. That's one</p> <p>5 you've been talking about in this</p> <p>6 deposition, the disciplinary policy?</p> <p>7 A. Yes.</p> <p>8 Q. What is the date on that</p> <p>9 policy?</p> <p>10 A. 14th of March, 2006.</p> <p>11 Q. What -- and that's</p> <p>12 Defendant's No. 23?</p> <p>13 A. Yes.</p> <p>14 Q. Now, some of those</p> <p>15 disciplinaries that -- that they are</p> <p>16 talking about here on Plaintiff's Exhibit</p> <p>17 No. 1 come before the date on that</p> <p>18 policy; right?</p> <p>19 A. That's correct.</p> <p>20 Q. Well, have you ever seen any</p> <p>21 written disciplinary policy other than</p> <p>22 Defendant's No. 23?</p> <p>23 A. No.</p>	<p>1 Q. I'm going to show you</p> <p>2 Defendant's Exhibit No. 41 -- nope. Not</p> <p>3 that one. Defendant's Exhibit No. 46.</p> <p>4 It says here that you could suffer</p> <p>5 further disciplinary action up to and</p> <p>6 including termination, and then below</p> <p>7 it's got his signature, doesn't it?</p> <p>8 A. Yes.</p> <p>9 Q. Now, this Defendant's Exhibit</p> <p>10 No. 48, one of the reasons you got</p> <p>11 terminated doesn't have -- does it have</p> <p>12 any signatures on it?</p> <p>13 A. No.</p> <p>14 Q. Did you sign this?</p> <p>15 A. No.</p> <p>16 Q. Have you ever seen this?</p> <p>17 A. No.</p> <p>18 MS. REISS: Object. It</p> <p>19 contradicts his testimony.</p> <p>20 Q. That's right. You said you</p> <p>21 saw it in my office?</p> <p>22 A. I've seen this one, yes.</p> <p>23 Yes.</p>

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<p style="text-align: right;">Page 325</p> <p>1 MS. REISS: Get your story 2 straight. 3 A. It's straight. I've seen 4 it. I've seen that one. 5 Q. Well, did you sign it? 6 A. No. 7 Q. Was it offered to you at 8 work? I mean -- 9 A. No. 10 Q. Do you -- when you got -- 11 okay. Are you familiar with the three 12 techs that got removed from the Army 13 funding that were working your range, 14 ranges before you took over the job? Do 15 you know who those three techs were? 16 A. The three techs? 17 Q. You testified earlier that 18 Chris Hines had three techs working for 19 him at the ranges that you currently got 20 when there was a -- when Temple shifted 21 you guys around? 22 A. He had three assistants, 23 which at the time I -- I don't recall</p>	<p style="text-align: right;">Page 327</p> <p>1 disciplinary policy dated 2006, are you 2 aware of anything like this back in 2005? 3 A. No. 4 Q. And on this policy, is there 5 anything about probation written down 6 here, Defendant's Exhibit No. 23? 7 A. No, there's not. 8 Q. You haven't seen a handbook 9 -- you signed for that handbook, didn't 10 you? 11 A. Right. Right. 12 Q. Which handbook am I talking 13 about? 14 A. I signed for a employment -- 15 employee handbook. 16 Q. When you first started? 17 A. Yes. Eight years ago. 18 Q. And did you read it? 19 A. Sections of it. 20 Q. Did you read the disciplinary 21 section? 22 A. I don't recall if there is a 23 disciplinary in that particular handbook.</p>
<p style="text-align: right;">Page 326</p> <p>1 their names. But they were the computer 2 operators. 3 Q. Do you know what happened to 4 them? 5 A. They either -- some of them 6 went to range tech -- I mean, safety 7 positions or they are no longer working. 8 I believe Calvin may have assisted him at 9 one time. 10 Q. Who is Calvin? 11 A. Calvin Flowers. 12 Q. Do you know if he had a -- 13 okay. Strike that. Going back to No. 14 23, you were given a year's probation but 15 for which disciplinary precisely? I've 16 got three here in front of me. Which of 17 these three did you get the year's 18 probation on? 19 A. For not properly -- or not 20 filling out a PMCS form. 21 Q. That was the 2005? 22 A. Right. 23 Q. Looking here at this</p>	<p style="text-align: right;">Page 328</p> <p>1 Q. Let's talk about Mr. Hines 2 for a minute, Chris Hines. You testified 3 earlier he got -- he cost the company 4 money; right? 5 A. Yes. 6 Q. And -- but you weren't -- you 7 didn't have -- did you have any firsthand 8 knowledge of whether or not he cost them 9 money? Were you like there when they 10 wrote the check? 11 A. No. 12 Q. Well, did you hear it from 13 someone? 14 A. Yes. 15 Q. Who did you hear it from? 16 A. I heard it from Mr. Temple 17 and Mr. Erickson. 18 Q. What did -- why would Mr. 19 Temple tell you that? What was the 20 circumstances surrounding that? 21 A. Because when an individual in 22 our section has a deficiency of that 23 nature, it affects the whole section, so</p>

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<p>1 he was letting us know what happened and,  2 you know, what actually it cost him so  3 that we won't go down the same avenue  4 again.</p> <p>5 <b>Q. Was this during a meeting?</b>  6 A. Yes.</p> <p>7 <b>Q. What kind of meeting?</b>  8 A. One meeting is we have a -- a  9 meeting every morning before we go out  10 and --</p> <p>11 <b>Q. Is that like a safety  12 meeting?</b>  13 A. Yes. In the morning.</p> <p>14 MS. REISS: Leading. Don't  15 lead him. Go ahead.</p> <p>16 MR. BENNITT: Sorry.</p> <p>17 <b>Q. What kind of meeting was it?</b>  18 A. It was a safety meeting.</p> <p>19 <b>Q. Do you do that -- do you --  20 how many safety meetings a week do you  21 have?</b>  22 A. We are required to have a --  23 a meeting and discuss safety every</p>	<p>1 <b>Q. Is that where you got your  2 information on Mr. Hines?</b>  3 A. That was one place I got my  4 information was during the meeting.</p> <p>5 <b>Q. What did he say?</b>  6 A. He basically stated that Mr.  7 Hines had --</p> <p>8 <b>Q. Not basically.</b>  9 A. He stated --</p> <p>10 <b>Q. What did he say?</b>  11 A. He stated that Mr. Hines had  12 had an incident, a safety violation,  13 explained how the incident occurred, and  14 then stated how we and what we would do  15 to prevent it from happening again.</p> <p>16 <b>Q. What was the incident?</b>  17 A. Failure to lockout/tagout a  18 electrical box while performing a PMCS,  19 properly lock it out.</p> <p>20 <b>Q. What happened when he -- for  21 not doing that?</b>  22 A. He was severely electrocuted  23 and was sent to the emergency room --</p>
Page 330	Page 332
<p>1 morning.</p> <p>2 <b>Q. How -- let me ask the  3 question again: How many safety meetings  4 do you have a week?</b>  5 A. Five.</p> <p>6 <b>Q. And who runs them?</b>  7 A. Mr. Temple.</p> <p>8 <b>Q. And part of the conversation  9 is what?</b>  10 A. The -- we'll pick out a topic  11 and discuss it and --</p> <p>12 <b>Q. Do you discuss other  13 employees' disciplinaries at those  14 meetings?</b>  15 A. When there's -- when there's  16 one that occurs in that section, yes, we  17 do.</p> <p>18 <b>Q. I'm not -- safety  19 violations --</b>  20 A. Safety --</p> <p>21 <b>Q. -- do you discuss other  22 employees' safety violations?</b>  23 A. Yes, we do.</p>	<p>1 <b>Q. Okay.</b>  2 A. -- for his -- his burned  3 hand.</p> <p>4 <b>Q. So how did the Army -- how --  5 did he say how the Army was notified?</b>  6 A. Any time an incident occurs,  7 the government --</p> <p>8 <b>Q. What kind of incident?</b>  9 A. Of a safety violation, the  10 government has to be informed.</p> <p>11 <b>Q. So what -- did he -- when, if  12 ever, did you find out about a loss of an  13 award, or whatever it's called?</b>  14 A. Award --</p> <p>15 MS. REISS: Is that a  16 question?</p> <p>17 MR. BENNITT: Yes.</p> <p>18 A. The award fee --</p> <p>19 <b>Q. The penalty, loss of award?</b>  20 MS. REISS: Loss of award  21 meaning they have no contract.  22 A. Just award fee.</p> <p>23 <b>Q. Award fee?</b></p>

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<p style="text-align: right;">Page 333</p> <p>1 A. Award fee.</p> <p>2 MS. REISS: Let's not messy</p> <p>3 up the --</p> <p>4 MR. BENNITT: Messy up.</p> <p>5 <b>Q. What did you -- what did you</b></p> <p>6 <b>find out about whether or not this</b></p> <p>7 <b>particular incident cost --</b></p> <p>8 A. We found out at the end of</p> <p>9 the quarter when the evaluation comes</p> <p>10 out.</p> <p>11 <b>Q. What -- what are you talking</b></p> <p>12 <b>about?</b></p> <p>13 A. The award fee evaluation.</p> <p>14 They document how much award fee we get</p> <p>15 for the quarter.</p> <p>16 <b>Q. What did the document say?</b></p> <p>17 A. It's in depth. I mean, I</p> <p>18 can't read it.</p> <p>19 <b>Q. What did it say about Mr.</b></p> <p>20 <b>Hines?</b></p> <p>21 A. The -- the government stated</p> <p>22 that they were -- a percentage would be</p> <p>23 -- was docked. You have -- I mean, the</p>	<p style="text-align: right;">Page 335</p> <p>1 <b>that?</b></p> <p>2 A. Right.</p> <p>3 <b>Q. You saw that?</b></p> <p>4 A. Right.</p> <p>5 <b>Q. What -- did Mr. -- did Mr.</b></p> <p>6 <b>Erickson or Mr. Temple see that? You</b></p> <p>7 <b>said they.</b></p> <p>8 A. I believe Thomas Lavar was</p> <p>9 the one that initially reported it.</p> <p>10 <b>Q. What were the other ones?</b></p> <p>11 A. Based on that last statement</p> <p>12 as well, I think the government, Bill</p> <p>13 Leyh, had seen it and made an issue to</p> <p>14 Temple, or maybe Mr. Erickson, but it was</p> <p>15 noted that -- he was put on the wall of</p> <p>16 shame. Mr. Lavar had him put on the wall</p> <p>17 of shame for that incident.</p> <p>18 <b>Q. What about the truck</b></p> <p>19 <b>accident?</b></p> <p>20 MS. REISS: What truck</p> <p>21 accident?</p> <p>22 MR. BENNITT: I thought we</p> <p>23 were -- well, I -- that's what I wrote.</p>
<p style="text-align: right;">Page 334</p> <p>1 way they grade it is through percentages,</p> <p>2 and based on the -- the incident that had</p> <p>3 occurred that they would dock a certain</p> <p>4 percentage on the award fee.</p> <p>5 <b>Q. Does that equate into</b></p> <p>6 <b>dollars?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. How much?</b></p> <p>9 A. Oh, I don't know. It's a</p> <p>10 percentage.</p> <p>11 <b>Q. So you -- okay.</b></p> <p>12 MS. REISS: He doesn't know.</p> <p>13 <b>Q. You also said he had three or</b></p> <p>14 <b>four other safety violations or -- or</b></p> <p>15 <b>other type disciplinaries?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Now, tell me, did you have</b></p> <p>18 <b>firsthand knowledge of any of these</b></p> <p>19 <b>things or are these things you heard?</b></p> <p>20 A. No. Firsthand knowledge on</p> <p>21 the one where the -- they loaded some</p> <p>22 iron on the back of a trailer.</p> <p>23 <b>Q. You already testified to</b></p>	<p style="text-align: right;">Page 336</p> <p>1 Those are what my notes say. They say M</p> <p>2 period Erickson's truck which got --</p> <p>3 MS. REISS: I object to form,</p> <p>4 foundation, basis, who, what. I don't</p> <p>5 even know what you are talking about.</p> <p>6 THE WITNESS: He's talking</p> <p>7 about the time when Mr. Erickson's truck</p> <p>8 was hit while they were moving a mover</p> <p>9 out of the bay area.</p> <p>10 MS. REISS: And you've</p> <p>11 already testified that -- that Mr.</p> <p>12 Erickson was found for that one.</p> <p>13 THE WITNESS: He was noted to</p> <p>14 be at fault.</p> <p>15 MS. REISS: Okay. Anything</p> <p>16 else, Jeff?</p> <p>17 MR. BENNITT: Okay. I'll let</p> <p>18 you go.</p> <p>19 <b>Q. Do you have any other</b></p> <p>20 <b>incidents that you heard of or otherwise</b></p> <p>21 <b>have some kind of knowledge on, first,</b></p> <p>22 <b>second or thirdhand?</b></p> <p>23 MS. REISS: About what?</p>

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<p style="text-align: right;">Page 337</p> <p>1 MR. BENNITT: Mr. Hines. Mr.  2 Hines.  3 A. I can't recall at this time,  4 but there's others.  5 Q. Who -- in this lawsuit of  6 race discrimination, who are you  7 comparing yourself with?  8 A. Christopher Hines.  9 MR. BENNITT: That's all.  10  11 RE-EXAMINATION BY MS. REISS:  12 Q. You -- I believe you said  13 earlier that Mr. Hodges had a policy that  14 you could clean out your files after two  15 years, any write-ups?  16 A. That's what he had told me.  17 Q. Has that policy changed since  18 Mr. Hodges left?  19 A. I -- I know at one time that  20 Mr. Erickson had a lot of documents that  21 were being destroyed, which was personnel  22 files and whatnot from the attic. Now,  23 whether the policy was still in current,</p>	<p style="text-align: right;">Page 339</p> <p>1 A. No.  2 Q. Okay. What documents of  3 Jerry Temple's file was being destroyed  4 by Mr. Erickson?  5 A. Mr. Erickson didn't destroy  6 them, per se, by his hand. He had  7 employees doing it. And the employees  8 would do it at random. When they didn't  9 have anything to do, he would have them  10 go up and destroy the -- the documents.  11 Q. Do you know how old the  12 documents were?  13 A. No.  14 Q. And Mr. Temple is the oldest  15 employee at this site, isn't he?  16 A. That's right.  17 Q. The most senior tenure. And  18 Mr. Leyh was no longer employed at the  19 time?  20 A. That's right.  21 Q. On this disciplinary form --  22 I believe I asked you this question  23 before. But this disciplinary form does</p>
<p style="text-align: right;">Page 338</p> <p>1 I do not know.  2 Q. Did you see the actual  3 documents that were being destroyed?  4 A. Yes, I did.  5 Q. Are you sure they were  6 personnel documents or were they  7 financial documents?  8 A. They were personnel  9 documents.  10 Q. Whose personnel documents?  11 A. Some of them were Jerry  12 Temple's. Some of them were Bill Leyh's.  13 Q. Bill Leyh was no longer an  14 employee at that time; correct?  15 A. You asked which documents.  16 I'm just stating which.  17 Q. Was Bill Leyh an employee at  18 that time? That's the question I'm  19 asking.  20 A. During the time that these  21 documents were being destroyed?  22 Q. That you say they were being  23 destroyed, yes.</p>	<p style="text-align: right;">Page 340</p> <p>1 not prohibit putting you on probation,  2 does it?  3 A. It doesn't have it on there.  4 Q. It doesn't prohibit it, does  5 it?  6 A. No, I guess not.  7  8 (Brief recess.)  9  10 Q. (By Ms. Reiss) Mr. Young, do  11 you have any evidence to show that this  12 policy changed from 2005 to 2006?  13 A. No.  14 Q. Was the bunker that Mr. Hines  15 injured himself on wired differently than  16 other bunkers?  17 A. I can't testify to that.  18 Q. Did you ever see a chart Mr.  19 Lavar made to prevent that from happening  20 again because it was wired differently  21 than the other ones?  22 A. No.  23 Q. Are you denying Mr. Lavar</p>

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<p style="text-align: right;">Page 341</p> <p>1 made that chart?</p> <p>2 A. No.</p> <p>3 Q. Do you know how much your</p> <p>4 violations have cost Honeywell?</p> <p>5 A. No.</p> <p>6 Q. So you have no idea whether</p> <p>7 your violations cost Honeywell more than</p> <p>8 Chris Hines' one violation that cost</p> <p>9 Honeywell?</p> <p>10 A. I know that my violations, to</p> <p>11 my knowledge, haven't cost. Otherwise, I</p> <p>12 would have been told and I was never</p> <p>13 told.</p> <p>14 Q. Do you know why the</p> <p>15 government commended Mr. Erickson on your</p> <p>16 termination?</p> <p>17 A. No. I -- I didn't see where</p> <p>18 that termination had my name on it.</p> <p>19 Q. Well, there's no reason for</p> <p>20 me to misrepresent this in this</p> <p>21 deposition, so --</p> <p>22 A. I don't know who that was</p> <p>23 for.</p>	<p style="text-align: right;">Page 343</p> <p>1 preventive maintenance tags left in the</p> <p>2 machinery where he did not perform</p> <p>3 preventive maintenance like you did?</p> <p>4 A. I am not aware.</p> <p>5 Q. So he was actually hurt</p> <p>6 performing his job, whereas sometimes you</p> <p>7 just didn't even perform that job;</p> <p>8 correct?</p> <p>9 A. No, that's not correct.</p> <p>10 MS. REISS: That's all.</p> <p>11</p> <p>12 FURTHER DEPONENT SAITH NOT.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 342</p> <p>1 Q. It was for you. Do you know</p> <p>2 why the government commended Mr. Erickson</p> <p>3 on your termination?</p> <p>4 A. No, I do not.</p> <p>5 MS. REISS: I'm through.</p> <p>6 MR. BENNITT: Yeah. I've got</p> <p>7 one follow-up. That's it.</p> <p>8</p> <p>9 RE-EXAMINATION BY MR. BENNITT:</p> <p>10 Q. Does -- because of a way a</p> <p>11 machine is wired, does that in any way</p> <p>12 trump the need to lockout and tagout?</p> <p>13 A. Because -- no. You still</p> <p>14 lock it out and tag it out, and you also</p> <p>15 -- before you go in, you check for</p> <p>16 voltages to make sure that the power is</p> <p>17 turned off before you stick your hand in</p> <p>18 it. Had he have done it the proper way,</p> <p>19 he wouldn't have gotten electrocuted.</p> <p>20</p> <p>21 RE-EXAMINATION BY MS. REISS:</p> <p>22 Q. Let me ask you this, Mr.</p> <p>23 Young: Do you know if Mr. Hines had any</p>	<p style="text-align: right;">Page 344</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA</p> <p>4 JEFFERSON COUNTY</p> <p>5</p> <p>6 I hereby certify that the above</p> <p>7 and foregoing deposition was taken down</p> <p>8 by me in stenotype and the questions and</p> <p>9 answers thereto were transcribed by means</p> <p>10 of computer-aided transcription, and that</p> <p>11 the foregoing represents a true and</p> <p>12 correct transcript of the testimony given</p> <p>13 by said witness upon said hearing.</p> <p>14 I further certify that I am</p> <p>15 neither of counsel, nor of kin to the</p> <p>16 parties to the action, nor am I in</p> <p>17 anywise interested in the result of said</p> <p>18 cause.</p> <p>19</p> <p>20</p> <p>21 SHANNON L. QUINN, CCR, RPR</p> <p>22</p> <p>23</p>

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367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

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<b>A</b>	<b>acknowledge</b> 180:5 239:23	<b>advise</b> 134:23	<b>alarm</b> 22:11	64:16
<b>ability</b> 12:4,8 179:19	<b>acknowledged</b> 110:19	<b>advised</b> 2:9	<b>Alberta</b> 78:14	<b>anywise</b> 344:17
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